(949) XIV/392

Acts of the governor-general of India in Council 1845 to 1849 with index to Act 1845

A = Govt. of India

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Duties on Marine Stores—Metals—Woollens, Cotton and Silk Piece Goods, Cotton Twist and Yarn—Wines and Liqueurs, Spirits and all manufactured articles not mentioned in Schedules A. in Acts XIV. 1836, I. 1838, and VI. of 1844, how to be levied hereafter, ...	IX.	I.	.....	General.
„ Provisions of the above Acts having reference to the said Schedules now repealed, shall have reference to Schedule A. annexed to this Act, ...	„	II.		
„ Act XV. of 1844, repealed,..	„	III.		
E.				
Emigrants—Time for Vessels carrying—from Madras to Jamaica, British Guiana and Trinidad, regulated for the future,.....	XXV.	II.	.....	Madras.
Estates—Sale of—for arrears of Revenue—(See Lands.)				
F.				
Fines—may be awarded by Session Judges within the				

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Madras Presidency in compensation to injured parties, ...	XXX	.....	.....	Madras.
G.				
Ganjam—(See Meriah Sacrifices.)				
Governor General—Powers of the—during his absence from the Council of India on a visit to the N. W. Provinces,.....	XXII.	I.	.....	General.
„ Act when to commence operation,.....	„	II.		
H.				
Hindoo Law Officers — (See Law Officers.)				
I.				
Import Duties — on certain Goods imported by Sea—(See Duties,)	.....	.....	.....	General.
Imprisonment for Life—Convicts under sentence of—committing offences how to be punished—(See Convicts.)				
Invalid Officers—Pensions of—(See Pensions.)				
rrigation of Lands by Canals in the N. W. P.—Rules relating to—(See Canals.)				

J.	*Acts.*	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Jamaica—Emigrants to—(See Emigrants.)				
Joint Judges may be appointed in any Zillah within the Bombay Presidency for facilitating the transaction of Civil business. Their powers defined, ...	XXIX.	I.	.....	Bombay.
„ Shall be guided by what Rules and Regulations, ...	„	II.		
„ Oath of office how to be taken,	„	III.		
„ Seal to be the same as is used by the Judge, ...	„	IV.		
„ Joint Session Judges may be appointed in any Zillah for facilitating the transaction of Criminal business. Their powers defined, ...	„	V.		
„ Shall be guided by what Rules and Regulations, ...	„	VI.		
„ Oath of office how to be taken,	„	VII.		
„ Seal to be the same as is used by the Session Judges,	„	VIII.		
Judges — Joint — Under the Bombay Presidency — (See Joint Judges.)				
L.				
Laborers—(See Emigrants.)				
Lands — Law relating to sale of—for arrears of Revenue, amended—(See Acts,)	I.	I.	.....	Bengal, Behar, Orissa, and Benares.
„ Definition of an arrear, ...	„	II.		
„ Dates for the payment of arrears in permanently set-				

tled

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
tled Districts to be fixed by the Sudder Board, and how notified, ...	I.	III.		
Lands — not in permanently settled Districts, and in the Benares Province not saleable without the Board's previous sanction, ...	„	IV.		
„ Notice of fifteen clear days preceding the date fixed for the payment of arrears of certain descriptions necessary before the Estates are brought to sale, ...	„	V.		
„ After the latest fixed day of payment, Estates to be notified for sale with what particulars and for what period— Tender of payment after the latest date of payment not to bar sales, ...	„	VI.		
„ After notification a proclamation to be affixed at certain conspicuous places forbidding the ryots and under-tenants to pay rent to the defaulting proprietor after the last date of payment, ...	„	VII.		
„ No claim to abatement or remission of Revenue except as mentioned, nor any demand against Government, shall bar or render a sale voidable, ...	„	VIII.		

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Lands—Parties other than proprietors may deposit the amount of the arrear before sunset of the latest date of payment. If the party be a plaintiff in a suit, he may be put in temporary possession of the Estate—Deposits made for the protection of one's own interest how to be reimbursed, ...	I.	IX.		
„ Estates under what circumstances exempted from sale for arrears, ...	„	X.		
„ Collectors and Commissioners of Revenue may exempt Estates from sale, the reasons being duly recorded, ...	„	XI.		
„ Sales where to be held, ...	„	XII.		
„ Sales may be adjourned till another day, owing to the Collector's sickness or any other causes, ...	„	XIII.		
„ Sales to be held in regular order with reference to the number of the Estates as on the Towjee, except in cases mentioned, ...	„	XIV.		
„ Purchasers of Estates to make deposits immediately and to what extent,.....	„	XV.		
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	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Estate re-sold, and the difference, if any, how to be levied.				
Payment of arrears by the proprietor before sunset of the day preceding the day of re-sale shall bar such re-sale, ...	I.	XVI.		
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„ Sales when to be final,.....	„	XIX.		
„ A Certificate of Title to be given to the purchaser in the form prescribed, the transfer how to be proclaimed, and the proceeds how disposed of,	„	XX.		
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„ Purchasers liable for instalments falling due after the latest day of payment, ...	„	XXIII.		
„ Grounds and conditions on which a Civil Court may reverse a sale. Personal ac-				

tions

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
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„ Purchasers of permanently settled Estates in Bengal, Behar, Orissa and Benares, shall acquire them free from incumbrances imposed after settlement, enhance rents of under tenures with certain exceptions, ...	„	XXVI.		
„ Purchasers of Estates in other than permanently settled Districts shall acquire them free from incumbrances imposed after settlement and annul under tenures and agreements with ryotts with certain exceptions, ...	„	XXVII.		
„ Local Government may reserve all under tenures at the sale of Estates, cancel such sale if found detrimental to the interest of Government before it is final, and re-sell the Estate without the reservation, ...	„	XXVIII.		
„ Purchase by a Proprietor or Co-partner of Estates in his own or in the name of others shall be subject to all incumbrances and conditions which				

existed

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
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„ Contempt to the Collector at the sale how punishable—Appeals in such case where to lie,	„	XXXI.		
„ Default to make good a bid shall be a contempt,.....	„	XXXII.		
„ Act to affect what Provinces,	„	XXXIII.		
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Licences—Government of Bengal may vest any person with the powers of granting or withholding—for the sale of Arrack or Liquors in Calcutta, ...	XXVI.	I.	.....	Calcutta.
„ Government of Bengal may always regulate the form of,..	„	II.		
„ Officer granting—may demand Fees, Taxes and Duties, as fixed under sanction of Government, ...	„	III.		
„ In case of non-payment of the same the Officer may withhold or recal the Licences. Penalty for selling whilst the Licenses are withheld or re-called, ...	„	IV.		

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Licences—for the manufacture of Spirituous Liquors—Regulation I. of 1820, of the Madras Code, relating to—modified, ...	XXXII.	I.	.....	Madras.
„ Granted under Section 4, Regulation I. of 1820, for the establishment of Distilleries, how to be prepared hereafter, and shall contain what stipulations, ...	„	II.		
„ Penalties for the breach of the stipulations, ...	„	III.		
„ Offences specified in Regulation I. of 1820, to be subject to the penalties therein provided—European British subjects exempted from hard labor when imprisoned under sentence passed under the Regulation—Fines how recoverable, ...	„	IV.		
„ British subjects to be imprisoned in the Madras Gaol,...	„	V.		
„ Such prisoners how to be received by the Gaoler, ...	„	VI.		
Liquors—(See Duties.)				
„ Licences for the sale of—in Calcutta—(see Licences.)				
„ Spirituous—manufacture of —by European process within the Madras Presidency—(See Licences.)				
Liqueurs—(See Duties.)				

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
M.				
Mahomedan Law Officers—(See Law Officers.)				
Magistrates—Assistant — deciding cases under Act IV. of 1840—(See Assistant Magistrates.)				
Manufactured Articles — (See Duties.)				
Marine Stores—(See Duties.)				
Meriah Sacrifices—Estates in the Tributary Mehals in Cuttack placed under the jurisdiction and superintendence of the Agent for the Suppression of—and his subordinates, ...	XXI.	I.	.....	Bengal and Madras.
„ Portions of the country comprising the South Western Frontier Agency, may be placed under the Superintendent for the Suppression of—	„	II.		
„ Portions of the country specified in Section II. Act XXIV. of 1839, and heretofore under the control of the Collectors of Ganjam or Vizagapatam, may be placed under the Agent for the Suppression of—	„	III.		
„ Any portion of Zillah Rajahmundry may be placed under the jurisdiction of said Officer—	„	IV.		

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Meriah Sacrifices—Agents and their subordinates appointed under this Act to be guided by what authority—.....	XXI.	V.		
„ Governor General in Council may prescribe rules for the guidance of the Agents and Subordinates in Civil and Criminal matters, ...	„	VI.		
Military Service—Native Officers and Soldiers in the—(See Articles of War.)				
Moonsiffs may hereafter retain Nazirs, to whom Clause 8, Section 14, Regulation XXVI of 1814 shall be applicable—(See Regulations.)	XIV.	II.		
„ How to enforce the attendance of Witnesses in their Courts—(See Witnesses.)				
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„ Houses or Buildings assessed how to be identified, ...	„	IV.		
„ Collector of Land Revenue shall make a Quarterly Assessment on Shops and Stalls, ...	„	V.	I.	

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Municipal Funds—Assessments how to be collected by the Collector, ...	XI.	V.	II.	
„ Tax to be collected quarterly under the Collector's receipt,	„	„	III.	
„ Religious Edifices, and what other Buildings exempted from Assessment,.....	„	VI.		
„ Monies collected under what heads and authorities disposable under this Act,.....	„	VII.		
„ Exemption of certain collections from the purposes of this Act,.....	„	VIII.		
„ Sums of money paid out of the County Fund under Act XXVIII of 1839, henceforth to be paid out of the—.....	„	IX.		
„ Monies collected under Section VII. of this Act to form the—and to be placed under whose control. A Board of Conservancy for administering the Funds, how to be formed, ...	„	X.		
„ What amounts to be allotted for the General Police Expenses throughout Bombay and Colaba Islands, ...	„	XI.		
„ Balance how to be appropriated by the Board,.....	„	XII.		
„ Board may construct certain New Public Works with the sanction of Government, ...	„	XIII.		

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Municipal Funds—Board may appoint Officers required for the purposes of this Act, ...	XI.	XIV.		
„ Amount of Fines payable to the — how to be ascertained, ...	„	XV.		
„ Sums under authority of Chapter 4, Regulation XIX. of 1827, how to be collected hereafter, ...	„	XVI.		
„ Receipts and Disbursements, how to be accounted for by the Board,.....	„	XVII.		
„ Conservancy Board may refer to Government any measures rejected by the body appointed for the control of the—	„	XVIII.		
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„ Fines under this Act how to be recovered, ...	„	XX.		
N.				
Native Officers and Soldiers—Regulation XV. of 1816 of the Bengal Code relating to certain privileges of — declared to be still in force— .	XV.	I.	.....	General.
„ Extending the above Law to the Bombay Presidency,				

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	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
that for Madras being already the same in substance, ...	XV.	II.		
Native Officers and Soldiers—Company's Courts shall receive plaints from — upon unstamped paper in original suits, ...	„	III.		
„ Value of Stamp to be charged in the Decree to the party cast or to the parties respectively, ...	„	IV.		
„ Penalty for instituting suits in which the—are not bona fide interested, or not interested to the extent alleged,...	„	V.		
„ So much of Section 4, Act IV. of 1840, as provides for the period of complaints against forcible dispossession of Lands, &c., repealed as far as regards Native Officers and Soldiers, ...	„	VI.		
„ Period of complaint by — after dispossession left to the discretion of the Magistrate, ...	„	VII.		
Native Officers and Soldiers—Articles of War for the Government of—(See Articles of War.)				
Navigation on Canals in the N. W. P.—(See Canals.)				
Nazirs in the Moonsiff's Courts —(See Moonsiffs and Regulations.)				

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
O.				
Officers—Native — Articles of War for the Government of —(See Articles of War.)				
Officers of the Pilot Service—(See Pilots.)				
Orissa Hill Tracts—(See Meriah Sacrifices.)				
P.				
Pensions—of Invalid Officers, Soldiers and Retainers of the Bombay Army, and any public Servants exempted from attachment by Process of Courts for demands against the Pensioners, ...	XXXI.	I.	.....	Bombay.
„ Assignments of — declared null and void except as mentioned—.....	„	II.		
Pilots—how to be tried for breach of duty, ...	XXIV.	I.	.....	Bengal.
„ President of the Court for the trial of—how to be appointed, ...		II.		
„ The Court how to be composed, and by whom to be convened, ...	„	III.		
„ Place of President how to be supplied in case of absence, .	„	IV.		
„ Attendance of persons appointed to the Court how to be enforced, and under what penalty, ...	„	V.		

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Pilots—Proceedings by whom to be conducted on behalf of Government, ...	XXIV.	VI.		
„ Judge Advocate may summon Witnesses. Provision made for examination of persons about to depart from Calcutta, ...	„	VII.		
„ Witnesses protected from arrest. Penalty for non-attendance of Witnesses, ...	„	VIII.		
„ Members of the Court how and by whom to be sworn, ...	„	IX.		
„ Judge Advocate the same, ...	„	X.		
„ Witnesses may be sworn by Oath or Solemn Declaration, ...	„	XI.		
„ Perjury how punishable, ...	„	XII.		
„ Found guilty of breach of duty, how to be punished, ...	„	XIII.		
„ Breach of duty punishable under the Penal Code of 21st December 1826, how to be dealt with, ...	„	XIV.		
„ The Penal Code to continue in force as regards the breach of duty therein specified, ...	„	XV.		
„ Superintendent of Marine may summarily decide cases as before, ...	„	XVI.		
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	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Pilots—Sentences of the Court shall be subject to confirmation of the Government of Bengal, who may remit or mitigate the same, ...	XXIV.	XVIII.		
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Police Funds—(See Municipal Funds,)	.....	.....	.....	Bombay and Colaba.
Porter—(See Duties.)				
Privileges of Native Officers and Soldiers in legal matters —(See Native Officers.)				
Public Servants—Pensions of —(See Pensions.)				
R.				
Rajahmundry — (See Meriah Sacrifices.)				
Register— Duties of —to the Sudder Dewanny and Fouzdarry Adawlut—may be performed by the Uncovenanted Assistant Register thereof, ...	XII.	.....	.....	Bombay.
Registry—Deeds may be Registered in the Office of— in any District,.....	IV.	I.	.....	Presidency of Fort William.

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Registry—How shall the Register act when the whole of the property is not situated in his District, ...	IV.	II.		
„ Party registering shall be liable to pay the Fee for the copies transmitted by the Register to any other office of,	„	III.		
„ Memorial of a Deed Registered in any District to be held sufficient, ...	„	IV.		
Regulation XI. 1826—Section 5, of—Bengal Code, repealed, —(See Law Officers.)	V.	I.	.....	Presidency of Fort William.
„ IV. of 1827, Section 75, Chapter XVII. of—Bombay Code—amended, ...	VIII.	.....	.....	Bombay.
„ XIX. of 1827, Sections 16, 27 and 28, Chapter III. of—Bombay Code, repealed, ...	XI.	I.	.....	Bombay.
„ VII. of 1832, Bengal Code, so much of Clause 4, Section 5, of—as provides for the performance of the duties of Nazirs of Moonsiff's Courts by the Moonsiffs themselves and the levy of Tullubannah in those Courts—repealed,... (See Moonsiffs.)	XIV.	I.	.....	Presidency of Fort William.
„ XXVI. of 1814, Bengal Code, Clause 8, Section 14, of —shall be applicable to Nazirs in the Moonsiffs' Courts,	„	II.		
„ XV. of 1816, of the Bengal Code, declared to be still in				

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	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
force and made applicable to the Bombay Army, ...	XV.	I.	.....	General.
Regulation XXIII. of 1814, Clauses 1 and 2, Section 31, and Clause 1, Section 32 of —Bengal Code—repealed ...	XVII.	I.	.....	Bengal.
„ IX. of 1816, Clause 2, Section XXXIX. of—Madras Code, extended to Sessions Judges within the Madras Presidency as regards awarding fines in compensation to injured parties, ...	XXX.	.....	.....	Madras.
„ I. of 1820, of the Madras Code, modified, ...	XXXII.	.....	.. ...	„
„ Clauses 2 and 3, Section IV. of the above Regulation, repealed, ...	„	I.	.....	„
(See Licences.)				
Revenue—Sale of Lands for Arrears of—(See Lands.)				
Rum manufactured by European process within the Madras Presidency — (See Licences.)				
S.				
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Sale of Lands for Arrears of Revenue—(See Lands)				
Security—for Costs in cases of Appeals—(See Appeal.)				

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Security—no longer demandable from Public Officers for costs or performance of orders of Civil Courts in Appeals conducted on behalf of Government, ...	VIII.	.....	.....	Bombay.
Sessions Judges—Joint—under the Bombay Presidency—(See Joint Session Judges.)				
Sessions Judges within the Madras Presidency may award fines in compensation to injured parties, ...	XXX.	.....	.....	Madras.
Silk Piece Goods—(See Duties.)				
Soldiers — Native — Privileges of—in Judicial and Revenue Proceedings — (See Native Officers and Soldiers.)				
,, Articles of War for the Government of—(See Native Officers and Soldiers.)				
Soldiers—Pensions of — (See Pensions.)				
S. W. Frontier of Bengal—(See Meriah Sacrifices.)				
Spirits—(See Duties.)				
Spirituous Liquors — Licenses for the Manufacture of—by European process—(See Licenses,)	.....	.....	.....	Madras.
,, Licences for the sale of—(See Licences,)	.....	.....	.....	Calcutta.
Stamp Paper not required in legal matters in which a Native Officer or Soldier is				

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
a plaintiff—(See Native Officers and Soldiers.)				
Statutes—Section 158 of 33 George 3d, Chapter 52, extended over the Islands of Bombay and Colaba, ...	XI.	II.	.....	Bombay.
Sudder Dewanny and Sudder Foujdarry Adawlut — may assign their Register's duties to their Uncovenanted Assistant Register, ...	XII.	.....	.....	Bombay.
(See Uncovenanted.)				
Summons—On failure to serve —Warrants may be issued by the Company's Courts to Defendants in Criminal Cases (See Warrants.)				
Supreme Court—The power of —in admitting Attorneys, extended, ...	XIII.	.....	.....	Bombay.
(See Attorneys.)				
„ At Madras—any one of the Judges of the—may sit apart from the other Judges for the dispatch of Criminal business at the same time when the other Judges shall be sitting, ...	XXVIII.	I.	.....	Madras.
„ May transact out of Term all business which the Court may have power to transact in Term,.....	„	II.		
T.				
Tax—(See Municipal Funds.)				

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Security—no longer demandable from Public Officers for costs or performance of orders of Civil Courts in Appeals conducted on behalf of Government, ...	VIII.	.....	.....	Bombay.
Sessions Judges—Joint—under the Bombay Presidency—(See Joint Session Judges.)				
Sessions Judges within the Madras Presidency may award fines in compensation to injured parties, ...	XXX.	.....	.....	Madras.
Silk Piece Goods—(See Duties.)				
Soldiers—Native—Privileges of—in Judicial and Revenue Proceedings—(See Native Officers and Soldiers.)				
,, Articles of War for the Government of—(See Native Officers and Soldiers.)				
Soldiers—Pensions of—(See Pensions.)				
S. W. Frontier of Bengal—(See Meriah Sacrifices.)				
Spirits—(See Duties.)				
Spirituous Liquors—Licenses for the Manufacture of—by European process—(See Licenses,)	.....	.....	.....	Madras.
,, Licences for the sale of—(See Licences,)	.....	.....	.....	Calcutta.
Stamp Paper not required in legal matters in which a Native Officer or Soldier is				

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
a plaintiff—(See Native Officers and Soldiers.)				
Statutes—Section 158 of 33 George 3d, Chapter 52, extended over the Islands of Bombay and Colaba, ...	XI.	II.	.....	Bombay.
Sudder Dewanny and Sudder Foujdarry Adawlut — may assign their Register's duties to their Uncovenanted Assistant Register, ...	XII.	.....	.....	Bombay.
(See Uncovenanted.)				
Summons—On failure to serve —Warrants may be issued by the Company's Courts to Defendants in Criminal Cases				
(See Warrants.)				
Supreme Court—The power of —in admitting Attorneys, extended, ...	XIII.	.....	.....	Bombay.
(See Attorneys.)				
„ At Madras—any one of the Judges of the—may sit apart from the other Judges for the dispatch of Criminal business at the same time when the other Judges shall be sitting, ...	XXVIII.	I.	.....	Madras.
„ May transact out of Term all business which the Court may have power to transact in Term,.....	„	II.		
T.				
Tax—(See Municipal Funds.)				

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Tea—Cultivation and Manufacture of—in Assam—(See Assam Company.)				
Term—Supreme Court at Madras may transact business out of—which it may have power to transact in term—(See Supreme Court.)				
Thread—Cotton—(See Duties.)				
Tolls on certain Canals in the N. W. P.—(See Canals.)				
Transportation for Life—Convicts under sentence of—how to be punished for committing offences—(See Convicts.)				
Tributary Mehals in Cuttack—(See Meriah Sacrifices.)				
Trinidad—Emigrants to—(See Emigrants.)				
Tullubanah in Moonsiff's Courts—(See Moonsiffs.)				
U.				
Uncovenanted Assistant Register to the Sudder Dewanny and Foujdarry Adawlut—may perform the duties of the Register, ...	XII.	.....	.....	Bombay.
Union Bank of Calcutta—The Secretary and Treasurer of the—to sue and be sued for and on behalf of the Bank, ...	XXIII.	I.	.....	Calcutta.

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
Union Bank of Calcutta—Criminal proceedings may be carried on in the name of the Secretary or Treasurer for the time being, ...	XXIII.	II.		
„ Members or Shareholders may proceed against the—...	„	III.		
„ May proceed against its Members or Shareholders,...	„	IV.		
„ Schedules of names of Directors, Secretary, Treasurer and Proprietors, to be deposited in the Supreme Court, and the same to be done on all occasions of changes,.....	„	V.		
„ No actions can be brought by the--until a Schedule to the foregoing effect shall have been deposited—and until a Memorial of the names of Directors, &c., retiring from the Bank is deposited, they shall continue to be liable to action,.....	„	VI.		
„ A Memorial certified by Keeper of Records and Muniments shall be received in evidence, ...	„	VII.		
„ Decrees against the Secretary or Treasurer to have the same effect upon the property of the Bank as against the Members,.....	„	VIII.		
„ What course to be taken if the decree against the Secre-				

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	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
tary or Treasurer be ineffectual for obtaining the full payment in satisfaction thereof, ...	XXIII.	IX.		
Union Bank of Calcutta—What course a Member shall take for reimbursing himself when executions may be issued against him, ...	„	X.		
„ Secretary or Treasurer may be witness in proceedings instituted by or against the Bank, ...	„	XI.		
„ Retired Members who have parted with their Shares may claim in Court any Dividends which may be due to them, and the Secretary and Treasurer may take the same course for any claim which the Bank may have against them, ...	„	XII.		
„ Persons restricted to one suit against the Bank when the same is pleadable in bar —and any suit for demands due to the Bank may be pleaded in bar of any other action for the same demand, ...	„	XIII.		
„ Responsibility and Obligations of the Bank to continue as before, ...	„	XIV.		
„ Application of the Act,.....	„	XV.		
Schedule.....	„	„		

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
V.				
Vizagapatam—(See Meriah Sacrifices.)				
W.				
War—Articles of—(See Articles.)				
Warrants—may be issued by Company's Courts for the apprehension of defendants in criminal cases on proof of failure to serve Summons, ... (See Summons.)	X.			
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Witnesses—attendance of—not within the local jurisdiction of Moonsiffs, how to be enforced by them, ...	XVII.	II.	.....	Presidency of Fort William.
„ Moonsiffs vested with the powers of Judges for enforcing the attendance of — Moonsiff's orders under this Act appealable to the Judge,	„	III.		
Woollens—(See Duties.)				
Y.				
Yarn—Cotton—(See Duties.)				

W. Ridsdale, Bengal Military Orphan Press.

ACT No. I. OF 1845.

Passed by the Governor General of India in Council on the 11th of January, 1845.

An Act to amend Act No. XII. of 1841, *entitled "An Act for "amending the Bengal Code in regard to Sales of Land for "Arrears of Revenue."*

WHEREAS it is found expedient to amend the existing law for the realization of the Land Revenue:

I. It is hereby enacted, that from the last day of February 1845, the third and following Sections of Act No. XII. of 1841 are repealed.

II. And it is hereby enacted, that if the whole or a portion of a kist or instalment of any month of the era, according to which the settlement and kist bundee of any Mehal have been regulated, be unpaid on the first of the following month of such era, the sum so remaining unpaid shall be considered an arrear of Revenue.

III. And it is hereby enacted, that upon the promulgation of this Act, the Sudder Board of Revenue at Calcutta shall deter-

mine upon what dates all arrears of Revenue and all demands, which by the Regulations and Acts in force are directed to be realized in the same manner as arrears of Revenue, shall be paid up in each permanently settled District or Zillah under their jurisdiction, in default of which payment the Estates in arrear in those Districts, except as hereinafter provided, shall be sold at Public Auction, to the highest bidder. And the said Board shall give notice of the dates so fixed in the official Gazettes, and shall direct corresponding publication to be made as far as regards each District, in the language of that District, in the office of the Collector or Deputy Collector, or other Officer duly authorized to hold sales under this Act, in the Courts of the Judge, Magistrate, (or Joint Magistrate, as the case may be,) Principal Sudder Ameens, Sudder Ameens, and Moonsiffs, and at every Thannah Station of that District; and the dates so fixed shall not be changed except by the said Board by advertisement and notifications, in the manner above described, to be issued at least three months before the close of the official year preceding that in which the new date is, or dates are, to take effect.

IV. And it is hereby enacted, that in Districts not permanently settled and in the Province of Benares no sale shall take place for arrears of Land Revenue or other demands of Government without the special sanction of the Sudder Board of Revenue previously obtained in each several case of sale. Provided, that the said Board at the time of authorizing such sale shall fix the latest day on which in each case such arrears or demands shall be received.

V. Provided always, and it is hereby enacted, that no Estates shall be sold for the recovery of arrears or demands, of the

the descriptions mentioned below, otherwise than after a notification in the language of the District, specifying the nature and amount of the arrear or demand, and the latest date on which payment thereof shall be received, shall have been affixed for a period of not less than fifteen clear days preceding the date fixed for payment, according to Section III or IV of this Act as the case may be, in the office of the Collector or other Officer duly authorized to hold sales under this Act, in the Court of the Judge within whose jurisdiction the land advertised lies, in the Courts of the Principal Sudder Ameens, and Sudder Ameens of the District, and in the Moonsiff's Court and Police Thannah of the Division in which the Estate to which the notification relates, or a part of it, is situated, the same to be certified by the receipt of the Officer at whose office such notification may have been affixed; and also at the Cutcherry of the Malgoozar of the Estate, or at some conspicuous place upon the Estate, the same to be certified by the Peon or other person employed for the purpose.

First.—Arrears due from Estates in the Province of Benares.

Secondly.—Arrears due from Estates not permanently settled.

Thirdly.—Arrears other than those of the current or of the preceding year.

Fourthly.—Arrears due on account of Estates other than that to be sold.

Fifthly.—Arrears of Estates under attachment by order of any Judicial Authority.

Sixthly.

Sixthly.—Arrears due on account of Tuccavee, Poolbundee or other demands not being Land Revenue, but recoverable by the same process as arrears of Land Revenue.

VI. And it is hereby enacted, that the Collector or other Officer duly authorised to hold sales under this Act shall as soon as possible after the latest day of payment fixed in the manner prescribed in Section III or IV of this Act, issue notifications in the language of the District, to be affixed in his own office and in the Court of the Judge of the District, and to be published in the official Gazettes, specifying the Estate or Estates which will be sold as aforesaid, and the day on which the sale of the same will commence, which day shall not be less than fifteen or more than thirty clear days from the date of affixing the notification in the office of the Collector or other Officer as aforesaid. And except as hereinafter provided, all Estates, so specified shall on the day notified for sale, or on the day or days following, be put up to public Auction by and in the presence of the Collector or other Officer as aforesaid, and shall be sold to the highest bidder. And no payment, or tender of payment, made subsequent to sunset of the said latest day of payment, shall bar or interfere with the sale, either at the time of sale or after its conclusion.

VII. And it is hereby enacted, that whenever an Estate is notified for sale as provided by Section VI of this Act, the Collector or other Officer as aforesaid shall affix a proclamation in the language of the District, in his own office, and as soon thereafter as may be in the Moonsiff's Courts and Police Thannahs within which the Estate, or any part of it is situated, and also at the Cutcherry of the Malgoozar of the Estate, or at some conspicuous place upon the Estate, forbidding the ryotts and under-tenants to

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pay rent to the defaulting Proprietor or Proprietors from the date of the day after that fixed for the last day of payment, on pain of not being entitled to credit in their accounts with the purchaser for any sums paid after the date aforesaid.

VIII. And it is hereby enacted, that no claim to abatement or remission of Revenue unless the same shall have been allowed by the authority of Government, nor any private demand or cause of action whatever held or supposed to be held by any defaulter against Government shall bar a sale, or render a sale under this Act void or voidable; nor shall the plea that money belonging to the defaulter, and sufficient to pay the balance or part of it, was in the Collector's hands, bar a sale or render a sale under this Act void or voidable, unless such money stand in the defaulter's name alone and without dispute, and unless, after application in due time made by the defaulter, the Collector shall have neglected, or refused on insufficient grounds, to transfer it to the credit of the Estate.

IX. And it is hereby enacted, that Collectors shall, at any time before sunset of the latest day of payment receive as a deposit from any party not being a proprietor of the Estate in arrear, the amount of the arrear of Revenue due from it, to be carried to the credit of the said Estate at sunset as aforesaid, unless before that time the arrear shall have been liquidated by a Proprietor of the Estate. And in case the party so depositing, whose money shall have been credited to the Estate in the manner aforesaid, shall be a plaintiff in a suit pending before a Court of Justice for the possession of the same or any part thereof, it shall be competent to the Judge of the Zillah in which such Estate is situated, to order the said party to be put into temporary possession of the

said Estate, subject to the rules in force for taking security in the cases of appellants and defendants. And if the party depositing whose money shall have been credited as aforesaid shall prove before a competent Civil Court that the deposit was made in order to protect an interest of the said party, which would have been endangered, or damaged by the sale of the Estate he shall be entitled to recover the amount of the deposit with interest, from the Proprietors of the said Estate.

X. And it is hereby enacted, that no Estate shall be liable to sale for the recovery of arrears which have accrued during the period of its being under the management of the Court of Wards, and no Estate, the sole property of a minor or minors, and descended to him or them by the regular course of inheritance duly notified to the Collector for the information of the Court of Wards, but of which the Court of Wards has not assumed the management under Regulation VI. 1822, shall be sold for arrears of Revenue accruing subsequently to his or their succession to the same, until the minor or minors, or one of them, shall have attained the full age of 18 years. And no Estate held under attachment by the Revenue Authorities, otherwise than by order of a Judicial Authority, shall be liable to sale for arrears accruing whilst it was so held under attachment. And no Estate held under attachment by a Revenue Officer, in pursuance of an order of a Judicial Authority, shall be liable to sale for the recovery of arrears of Revenue accruing during the period of such attachment, until after the end of the year in which such arrears accrued.

XI. And it is hereby enacted, that it shall be competent to the Collector at any time before the sale of an Estate shall have commenced to exempt such Estate from sale; and in like manner

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it shall be competent to the Commissioner of Revenue at any time before the sale of an Estate shall have commenced, to exempt such Estate from sale, by a special order to the Collector to that effect in each case; and no sale of an Estate shall be legal if held after the receipt of an order of exemption in respect to such Estate. Provided, however, and it is hereby enacted, that the Collector or Commissioner shall duly record in a proceeding the reason for granting such exemption; and provided also, that an order for exemption so issued by the Commissioner shall not affect the legality of a sale which may have taken place before the receipt by the Collector of the order for exempting it from sale.

XII. And it is hereby enacted, that sales shall ordinarily be made by the Collector or other Officer duly authorized by Government in that behalf in the Land Revenue Cutcherry at the Sudder Station of the District, provided, however, that it shall be competent to the Sudder Board to prescribe a place for holding sales other than such Cutcherry whenever they shall consider it beneficial to the parties concerned.

XIII. And it is hereby enacted, that in case the Collector, or other Officer as aforesaid, shall be unable from sickness, from the occurrence of a holiday, or from any other cause, to commence the sale on the day of sale fixed as aforesaid, or if, having commenced it, he be unable, from any cause, to complete it, he shall be competent to adjourn it to the next day following, not being Sunday or other close holiday, recording his reasons for such adjournment, forwarding a copy of such record to the Commissioner of Revenue, and announcing the adjournment by a written proclamation stuck up in his Cutcherry, and so on, from day to day, until he shall be able to commence upon, or to complete

plete the sale, but with the exception of adjournments so made, recorded, and reported, each sale shall invariably be made on the day of sale fixed in the manner aforesaid.

XIV. And it is hereby enacted, that on the day of sale fixed according to Section VI of this Act, sales shall proceed in regular order; the Estate to be sold bearing the lowest number on the Towjee or registers in use in the Collector's Office of the District being put up first, and so on, in regular sequence; and it shall not be lawful for the Collector or other Officer as aforesaid to put up any Estate out of its regular order by number, except where it may be necessary to do so on default of deposit, as provided in Section XV of this Act.

XV. And it is hereby enacted, that the party who shall be declared the purchaser of an Estate at any such public sale as aforesaid, shall be required to deposit immediately, or as soon after the conclusion of the sale of the Estate as the Collector may think necessary, either in Cash, Bank of Bengal Notes or Post Bills, or Government Securities duly indorsed, 25 per cent. on the amount of his bid, and in default of such deposit, the Estate shall, forthwith, be put up again and sold.

XVI. And it is hereby enacted, that the full amount of purchase money shall be made good by the purchaser before sunset of the thirtieth day from that on which the sale of the Estate bought by him took place, reckoning that day as one of the thirty; or if the thirtieth day be a Sunday or other close holiday, then on the first office day after the thirtieth: and in default of payment within the prescribed period as aforesaid, then and afterwards as often as such default shall occur, the deposit shall be forfeited

forfeited to Government, the Estate shall be re-sold, and the defaulting purchaser shall forfeit all claim to the Estate, or to any part of the sum for which it may subsequently be sold; and in the event of the proceeds of the sale which may be eventually consummated being less than the price bid by the defaulting bidder aforesaid, the difference shall be leviable from him by any process authorized for realizing an arrear of public Revenue, and it shall be so levied and credited to the defaulting Proprietor of the Estate sold; and if default of payment of purchase money shall have occurred more than once, the defaulting bidders shall be held jointly and severally responsible for such difference to the extent of the amount of their respective bids. Provided always, that every such re-sale shall be made after notification and in the forms prescribed by Section VI of this Act; and that such notification shall not be issued until the expiration of three clear days after the day on which the default shall have occurred. Provided also that payment or tender of payment by or on behalf of the Proprietor of the arrear for which the Estate was first sold and of the arrear which may have subsequently become due, if such payment or tender of payment be made before sun-set of the day preceding the day of the notification of re-sale, and after the defaulting purchaser shall have made the deposit required by Section XV of this Act, shall bar such re-sale.

XVII. And it is hereby enacted, that it shall be lawful for the Commissioner of Revenue to receive an appeal against any sale made under this Act if preferred to him on or before the fifteenth day from the date of sale, reckoning as in Section XVI, or if preferred to the Collector for transmission to the Commissioner on or before the tenth day from the day of sale, and not otherwise: and the Commissioner shall be competent in every

case of appeal so preferred, to annul any sale of an Estate made under this Act, which shall appear to him not to have been conducted according to the provisions of this Act, awarding at the same time to the purchaser a payment from the Proprietor of any moderate compensation for his loss, if the sale shall have been occasioned by neglect of the Proprietor, such compensation not to exceed interest, at the current rate of Government Securities, on the amount of deposit or balance of purchase money during the period of its being retained in the Collector's Office, and the order of the Commissioner shall, in such cases, be final.

XVIII. And it is hereby enacted, that it shall be competent to the Commissioner of Revenue on the ground of hardship or injustice to suspend the passing of final orders in any case of appeal from a sale and to represent the case to the Sudder Board of Revenue, who, if they see cause, may recommend to the Local Government to annul the sale; and the Local Government in any such case may annul the sale and cause the Estate to be restored to the Proprietor on such conditions as may appear equitable and proper.

XIX. And it is hereby enacted, that all sales of which the purchase money has been paid up as prescribed in Section XVI of this Act, and against which no appeal shall have been preferred, shall be final and conclusive at noon of the thirtieth day from the day of sale, reckoning the said day of sale, as the first of the said thirty days. And sales against which an appeal may have been preferred, and the appeal dismissed by the Commissioner, shall be final and conclusive from the date of such dismissal, if more than thirty days from the day of sale, or if less, then at noon of the thirtieth day as above provided.

XX. And

XX. And it is hereby enacted that immediately upon a sale becoming final and conclusive, the Collector or other Officer as aforesaid, shall give to the purchaser a Certificate of Title in the following form:

I certify that A. B. has purchased at Public Auction under Act No. I of 1845, Mehal C, and that his purchase has taken effect on and since the — day of —— (being the date of the day after that fixed for the last day of payment.)

(Signed) D. E., *Collector.*

And the said certificate shall be deemed in any Court of Justice sufficient evidence of the title to the Estate sold being vested in the person or persons named from the date specified: and the Collector shall also notify such transfer by written proclamation in his own Cutcherry, and in those of the Moonsiff and Darogah of the jurisdictions within which any part of the Estate sold shall be situated, and also at the Cutcherry of the Malgoozar of the Estate, or on some conspicuous place on the Estate; and shall apply the purchase money first to the liquidation of all arrears due upon the latest day of payment; and secondly, to the liquidation of all outstanding demands debited to the Muhal in the Public accounts of the District, holding the residue, if any, in deposit on account of the late recorded Proprietor or Proprietors of the Estate sold, to be paid to their receipt on demand in the manner following: to wit, in shares proportioned to their recorded interest in the Estate sold, if such distinction of shares were recorded, or if not, then as an aggregate sum to the whole body of Proprietors upon their joint receipt. Provided that, if prior to payment of any surplus that may remain of the purchase money after liquidation of all Government arrears and dues to the

Proprietor

Proprietor of the Estate sold, or his representative, the same may be claimed by creditors in satisfaction of debts due by him to them, or by any one creditor, such surplus shall not be payable to any such claimant, nor shall it be withheld from the Proprietor by attachment, except under precept, and in satisfaction of decrees of Court for such debts. And if the balance of purchase money have in any such case been paid away in liquidation of the Proprietor's just debts by order of any Court, and a decree shall afterwards pass for annulling the sale, the Proprietor shall not be restored to possession until the amount so paid away be returned by him with interest.

XXI. And it is hereby enacted, that any suit brought to oust the certified purchaser as aforesaid, on the ground that the purchase was made on behalf of another person, not the certified purchaser, though by agreement the name of the certified purchaser was used, shall be dismissed with costs.

XXII. And it is hereby enacted, that the annulment of a sale by a Commissioner shall be publicly notified by the Collector or other Officer as aforesaid in the same manner as the becoming final and conclusive of sales is required to be notified by Section XX of this Act, and the amount of deposit and balance of purchase money shall be forthwith returned to the purchaser, with interest thereon, at the highest rate of the current Public Securities, from the dates on which they were respectively paid in to the date on which the refund is actually made.

XXIII. And it is hereby enacted, that the party certified as the Proprietor of an Estate by purchase at public sale for the recovery of arrears of Revenue shall be answerable for all instal-

ments

ments of the Revenue of Government which may fall due subsequently to the *latest* day of *payment aforesaid.*

XXIV. And it is hereby enacted, that no sale for arrears of Revenue or other demands realizable in the same manner, made after the taking effect of this Act, shall be set aside by a Court of Justice except upon the ground of its having been made contrary to the provisions of this Act: And except the contravention thereto shall have been declared and specified in an appeal made to the Commissioner under Section XVII of this Act, and except the action in the Civil Court be instituted within one year, from the date of the sale becoming final and conclusive as provided in Section XIX of this Act: And no person shall be entitled to contest the legality of a sale after having received any portion of the purchase money: Provided, however, and it is hereby enacted, that nothing in this Act contained shall be construed to debar any person considering himself wronged by any act or circumstance connected with a sale under this Act, from his remedy in a personal action for damages against the individual by whose act or omission he considers himself to have been wronged.

XXV. And it is hereby enacted, that in the event of a sale being reversed by a final decree of a Court of Justice, the purchase money shall be refunded to the purchaser by Government, together with interest at the highest rate of the current Public Securities.

XXVI. And it is hereby enacted, that the purchaser of an Estate sold under this Act, for the recovery of arrears due on account of the same, in the permanently settled Districts of Bengal, Behar, Orissa and Benares, shall acquire the Estate free

from all encumbrances which may have been imposed upon it after the time of settlement, and shall be entitled after notice given under Section X. Regulation V. 1812, to enhance at discretion, (any thing in the existing Regulations to the contrary notwithstanding) the rents of all under-tenures in the said Estate, and to eject all tenants thereof, with the following exceptions:

First. Tenures which were held as Istemraree or Mocurreree at a fixed rent, more than 12 years before the permanent Settlement.

Secondly. Tenures existing at the time of the Decennial Settlement, which have not been, or may not be, proved to be liable to encrease of assessment on the grounds stated in Section LI. Regulation VIII of 1793.

Thirdly. Lands held by Khood Kasht or Kudeemee Ryotts having rights of occupancy at fixed rents or at rents assessable according to fixed rules under the Regulations in force.

Fourthly. Lands held under bonâ fide leases, at fair rents, temporary or perpetual, for the erection of dwelling houses, or manufactories, or for mines, gardens, tanks, canals, places of worship, burying grounds, clearing of jungle, or like beneficial purposes, such lands continuing to be used for the purposes specified in the leases.

Fifthly. Farms granted in good faith at fair rents and for specified areas by a former Proprietor, for terms not exceeding twenty years, under written leases, registered within a month from their

their date. Provided that a written notice, specifying full particulars of the position, rent and area of the lands, the terms of the lease and the names of the parties shall at the same time be given by the latter to the Collector in every case, and the Collector shall be at liberty to object to the same in the event of his seeing reason to believe that the security of the Public Revenue will be materially affected thereby. The exception declared in this Clause shall not extend to leases objected to by the Collector, by a notification to be fixed up in his Office, with the sanction of the Commissioner, within three months of the date of the notice so made to him by the parties. Provided also, that a purchaser of an Estate at a sale for arrears of Revenue shall be at liberty by suit in Court to set aside all such farms although the same be under written and duly registered leases, and although such notice may have been given as aforesaid, if the same shall not have been granted in good faith at fair rents.

XXVII. And it is hereby enacted, that the purchaser of an Estate sold under this Act for the recovery of arrears due on account of the same in Districts other than those mentioned in Section XXVI, shall acquire the Estate free from all encumbrances which may have been imposed upon it after the time of settlement, and shall be competent to avoid and annul all tenures which may have originated with the defaulter or his predecessors, being representatives or assignees of the original engager, as well as all agreements with ryotts or the like settled or credited by the first engager or his representatives, subsequently to the last settlement, as well as all tenures which the first engager may, under the conditions of his settlement, have been competent to set aside, alter, or renew, saving always and except bonâ fide leases of ground for the erection of dwelling houses

houses, or buildings, or for offices thereunto belonging, or for gardens, tanks, canals, water-courses, or the like purposes, which leases or engagement shall, so long as the land is duly appropriated to such purposes, and the stipulated rent paid, continue in force and effect. Provided that nothing in this Act contained shall be construed to entitle any purchaser of land at a public sale to demand a higher rate of rent from any persons whose tenure or agreement may be annulled as aforesaid than was demandable by the former Malgoozar, except in cases in which such persons may have held their lands under engagements, stipulating for a lower rate of rent than would have been justly demandable for the land, in consequence of abatements having been granted by the former Malgoozars from the old established rates by special favor, or for a consideration, or the like, or in cases in which it may be proved that according to the custom of the Pergunnah, Mouzah, or other local division such persons are liable to be called upon for any new assessment, or other demand not interdicted by the Regulations of Government.

XXVIII. And it is hereby enacted, that it shall be competent to the Local Government, when it shall seem proper at any time before a sale for arrear shall have been actually made, to direct it to be made, subject to the leases, assignments, or other encumbrances, with which a Proprietor in possession, his ancestors, or predecessors may have burthened his assessed Estate, or to such of them as shall appear proper. In all such cases, notice of the condition imposed by the Local Government shall be given by the Collector at the time of calling up the lot for sale, and such further notification shall be made as the Local Government may direct: Provided, however, that in case the sale so restricted shall not realize an amount equal to the arrear due at the time of sale,

sale, or there shall appear ground to apprehend, that by reason of the restriction the future realization of the Revenue will be endangered, it shall be competent to the Local Government at any time before such restricted sale shall have become final and conclusive in the manner laid down in Section XIX of this Act, to direct the sale to be cancelled, and a new sale of the Estate to be made without other restrictions than those contained in the exceptions specified in Clauses 1 to 5 of Sec. XXVI of this Act. If after the sale has become final and conclusive, occasion should again arise to bring to sale for arrears an Estate purchased with a restriction of the above description, it shall at all times be competent to the Local Government to direct that the Muhal shall be sold without any other restriction than those contained in the exceptions specified in Clauses 1 to 5 of Sec. XXVI of this Act, or with the reservation before reserved. In the former event, should the purchase money realized by the unrestricted sale exceed in a large amount the sum obtained at the restricted sale, it shall further be competent to the Local Government to direct a portion, or the whole of the excess to be paid to persons whose interests having been reserved at the first, shall become void at the second sale.

XXIX. And it is hereby enacted, that excepting Copartners of Estates under Butwarrah who may have saved their shares from sale under Sections 33 and 34, Regulation XIX. 1814, any recorded or unrecorded Proprietor or Copartner who may purchase in his own name or in the name of another the Estate of which he is Proprietor or Copartner; or who by re-purchase or otherwise may recover possession of the said Estate after it has been sold for arrears under this Act; and likewise any purchaser of

an Estate sold for other arrears or demands than those accruing upon itself, shall by such purchase acquire the Estate subject to all its encumbrances existing at the time of sale and shall not acquire any rights in respect to ryotts and under-tenants which were not possessed by the previous Proprietor at the time of the sale of the said Estate.

XXX. And it is hereby enacted, that arrears of rent which on the latest day of payment may be due to the defaulter from his tenants, shall in the event of a sale, be recoverable by him after the said latest day by any process except distraint which might have been used by him for that purpose on or before the said latest day.

XXXI. And it is hereby enacted, that any Collector or Officer exercising the powers of Collector, in respect to sales, shall be competent to punish any contempt committed in his presence in open Cutcherry or Office for the time being, by fine, to an extent not exceeding Co.'s Rs. 200, commutable, if not paid, to imprisonment in the civil jail for a period not exceeding one month; and the Magistrate to whom such an offender may be sent by a Collector as aforesaid, shall carry his sentence into effect. Provided that an appeal from any order passed under this Section shall lie to the Revenue Commissioner, whose decision shall be final.

XXXII. And it is hereby enacted, that a default to make good a bid by making the deposit required by Section XV of this Act shall be held to be a contempt.

XXXIII. And

XXXIII. And it is hereby enacted, that the operation of this Act shall be confined to the Provinces of Bengal, Behar, Orissa and Benares, now subject to the General Regulations, and to the Ceded and Conquered Provinces similarly subject to the General Regulations, under the Government of the Presidencies of Fort William in Bengal, and nothing in this Act contained shall affect land in the Town of Calcutta, or the Settlements of Singapore, Penang or Malacca.

Calcutta :—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. II. OF 1845.

Passed by the Right Honorable the Governor General of India in Council on the 18th January, 1845.

An Act for regulating the Punishment of Adultery in the Courts of the East India Company in the Territories, subject to the Presidency of Bombay.

I. IT is hereby enacted, that whenever any person shall be convicted of the offence of Adultery by any of the Courts of the East India Company within the Territories, subject to the Presidency of Bombay, such person shall be sentenced to fine, or imprisonment, or both, at the discretion of the Court, and shall not be sentenced to any other punishment whatever, any Law or Regulation to the contrary notwithstanding.

II. And it is hereby enacted, that no person shall be admitted to prosecute any woman for Adultery other than the husband of such woman, and that no person shall be admitted to prosecute any man for Adultery other than the husband of the woman with whom such man is alleged to have committed Adultery.

Calcutta, 1845 :—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. III. OF 1845.

Passed by the Governor General of India in Council on the 15th February, 1845.

An Act vesting Courts of Appeal with the discretion to require or dispense with Security for Costs from the Appellant.

WHEREAS it is not now by Law necessary within the Territories subject to the Presidency of Fort William in Bengal, to take any Security for Costs in Appeals before the Sudder Courts—and whereas no Security for Costs is now required by Law in Appeals from the decisions of Moonsiffs—and whereas it is expedient that Appeals from all Courts should be put in this respect upon a uniform footing:—

It is therefore hereby enacted, that within the said Territories it shall not be necessary in any Court of Appeal of the East India Company to take any Security for Costs, but it shall be in the discretion of every such Court of Appeal to demand Security for Costs from the Appellant or not, as it shall see fit, before the Respondent is called upon to answer,—any Law or Regulation to the contrary notwithstanding.

Calcutta, 1845:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. IV. OF 1845.

Passed by the Governor General of India in Council on the 1st March, 1845.

An Act to amend the Law regarding the Registration of Deeds.

I. IT is hereby enacted, that from and after the passing of this Act Deeds may be registered in any Registry Office within the Presidency of Fort William in Bengal, whether such office be in the District where the property or any part thereof to which such Deeds relate, is situated, or not.

II. Provided always, and it is hereby enacted, that when the Registry Office in which a Deed is registered is in a District in which the whole of the property to which such Deed relates is not situated, it shall be the duty of the Register of the said Office to forward to the office of the District or Districts in which the whole or any part of such property is situated, a copy of the Deed as registered and endorsed in his office, the said copies to be furnished and attested as prescribed in Clause First, Section 2, Regulation XX. 1812, and the Register of any office receiving such copy so forwarded, shall duly register the same as if it had been presented to him in the first instance by the party registering.

III. And

III. And it is hereby enacted, that for every such copy required for transmission to any office as aforesaid the party registering shall pay the usual fee, and the Register receiving the same shall duly account for the same to the several Registers, to whose offices copies may be transmitted for registry.

IV. And it is hereby enacted, that a Memorial of any Deed shall be held to be duly registered according to Law, in respect to any property which may be situated in any one District, as soon as the original Deed or a copy thereof (as the case may be) shall have been registered in manner aforesaid in the Registry Office of such District whether or not a copy thereof have been registered in all or any of the other Districts, in which the property to which the Deed relates may be situated.

Calcutta, 1845 :—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. V. OF 1845.

Passed by the Governor General of India in Council on the 22d March, 1845.

An Act concerning the Examination and Appointment of Hindoo and Mahomedan Law Officers.

I. IT is hereby enacted, that Section 5, Regulation XI. of 1826, of the Bengal Code, be repealed.

II. And it is hereby enacted, that from and after the passing of this Act any person may be appointed to be a Hindoo or Mahomedan Law Officer in any of the Courts of Justice under the Presidency of Fort William in Bengal, who shall have successfully passed through such an examination as the Government of the said Presidency shall from time to time prescribe.

Calcutta, 1845 :—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. VI. OF 1845.

Passed by the Governor General of India in Council on the 5th of April, 1845.

An Act to amend the Law regarding the issue of Commissions of the Peace.

WHEREAS it is inconvenient to issue a new General Commission of the Peace whenever the Executive Government of any of the Presidencies of Fort William in Bengal, Madras or Bombay shall nominate and appoint any persons not named in the General Commission last issued to act as Justices of the Peace—It is hereby enacted, that the Supreme Court of Judicature of each of the said Presidencies shall and may from time to time upon the order or warrant of the Executive Government of such Presidency, issue separate Commissions to any persons not named in the General Commission of the Peace last issued, who by law are capable of being appointed to the office of Justice of the Peace, and who shall be nominated and appointed by such Executive Government to act as Justices of the Peace within and for such Presidency and the places subordinate thereto, or within and for the Presidency Town. And all such Commissions shall be issued in the name of the Queen's Majesty, her Heirs and Successors, under the Seal of the Supreme Court,

and

and tested in the name of the Chief Justice of such Court and shall be filed of record in the Court of Oyer and Terminer of the Presidency or place wherein and for which the same shall be issued, as Supplementary to the General Commission of the Peace last issued which shall remain in full force.

Calcutta, 1845 :—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. VII. OF 1845.

Passed by the Governor General of India in Council on the 12th of April, 1845.

An Act for regulating the levy of Water Rent, Tolls and Dues on certain Canals for irrigation and navigation, constructed by Government in the North Western Provinces, and for the protection of the said Canals from injury.

WHEREAS numerous Canals have been constructed, and are in progress of construction at the public expense in the North Western Provinces of the Presidency of Fort William in Bengal, for the purpose of irrigation and also for navigation so far as it may be practicable to unite the two objects, and whereas it is requisite to regulate the levy of rents, tolls or dues, on such Canals, and to provide for their protection from injury—

I. It is hereby enacted, that the Lieutenant Governor of the North Western Provinces shall be competent, by proclamation to be made in the Government Gazette, to declare the Provisions of this Act applicable to any such Canal.

II. And

II. And it is hereby enacted, that the said Lieutenant Governor of the North Western Provinces shall be competent to draw out rules to regulate the levy of water rent, and the supply of water for irrigation, and the payment of tolls and dues on boats, rafts or floats, and admission to the benefits of navigation on such Canals, as may be found most suitable to the peculiar circumstances of each. The rules thus drawn out shall be published for general information in the Government Gazette.

III. And it is hereby enacted, that any acts done by private individuals in contravention of the rules so published, shall be punishable either by temporary deprivation of the benefits of the Canal, or by the penalties hereinafter described.

IV. And it is hereby enacted, that all balances of water rent due for lands irrigated by the Canal shall be levied, either by temporary deprivation of the benefits of the Canal, or by the same process as is prescribed for the recovery of balances of land revenue.

V. And it is hereby enacted, that whoever wilfully causes any obstruction to any of the said Canals, or to any of the water courses drawn and supplied therefrom, or damages the banks of the Canal or the works constructed for its maintenance, or wilfully defiles the water in the Canal, shall be liable to the penalties hereinafter described.

VI. And it is hereby enacted, that all persons offending against the provisions of this Act, or of the rules passed under this Act, shall be punishable on conviction before the Magistrate by imprisonment without labor for a term not exceeding fourteen days, or fine to an amount not exceeding Fifty Rupees,

Rupees, or both; and in default of payment of such fine, by additional imprisonment for fourteen days.

VII. And it is hereby enacted, that if the Owner of any boat, float, or raft, navigating any such Canal, shall refuse to pay the prescribed toll, it shall be lawful for the Officer charged with the levy of tolls on the Canal, to detain such boat, raft, or float, and if the toll be not paid, in the course of ten days, then it shall be lawful for the said Officer under the direction of the Superintendent of the Canal, on the 10th day after the seizure, to sell such property, or so much thereof as may be necessary, or to declare the whole confiscated; provided that in all such cases no confiscation shall be carried into effect till the circumstances have been reported to the Commissioner of the Division and his sanction obtained thereto.

VIII. And it is hereby enacted, that it shall be lawful for the Lieutenant Governor of the North Western Provinces to appoint Officers for the collection of the rent toll and dues, hereinbefore mentioned, and to confer on such Officer the powers of Deputy Collectors for the levy of such rent, and of Joint Magistrates for the enforcement of such penalties as have been hereinbefore specified.

Calcutta, 1845:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. VIII. OF 1845.

Passed by the Governor General of India in Council on the 19th of April, 1845.

An Act for amending Section 75 and Chap. XVII. of Regulation IV. of 1827 of the Bombay Code.

WHEREAS it has been deemed expedient to amend Section 75 and Chapter XVII. of Regulation IV. of 1827 of the Bombay Code, under which Security for the payment of costs or the performance of the orders of a Civil Court is demanded from public Officers in cases of Appeal which are carried on under the authority and at the expense of Government:

It is hereby enacted, in modification of the Law above mentioned, that from the date of promulgation of this Act, no Security shall be demanded for the payment of costs or the performance of the orders of a Civil Court from any public Officer in cases of Appeal which are carried on under the authority and at the expense of Government in the Bombay Presidency.

Calcutta, 1845 :—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. IX. OF 1845.

Passed by the Governor General of India in Council on the 17th of May, 1845.

An Act for amending the Schedules of Import Duties annexed to Act XIV. of 1836 to Act I. of 1838, and to Act VI. of 1844, and for repealing Act XV. of 1844.

I. IT is hereby enacted, that from and after the First day of June 1845, so much of Schedule A annexed to Act XIV. of 1836, so much of Schedule A annexed to Act I. of 1838, and so much of Schedule A annexed to Act VI. of 1844, as relates to the rates of Duty to be charged on the Goods next hereinafter specified, be repealed.

Marine Stores, the produce or manufacture of the United Kingdom or of any British Possession.

Marine Stores, the produce of any other place or country.

Metals, wrought or unwrought, the produce or manufacture of the United Kingdom or of any British Possession.

Metals,

Metals, wrought or unwrought, excepting Tin, the produce or manufacture of any other place.

Woollens, the produce or manufacture of the United Kingdom or of any British Possession.

Woollens, the produce of any other place or country.

Cotton and Silk Piece Goods, Cotton Twist and Yarn, the produce of the United Kingdom or of any British Possession.

Cotton and Silk Piece Goods, Cotton Twist and Yarn, the produce of any other place.

Wines and Liqueurs.

Spirits.

All manufactured Articles, not included in the enumeration contained in the said Schedules.

II. And it is hereby enacted, that from and after the said First day of June 1845, all the provisions of the three abovementioned Acts which have reference to so much of the Schedules A to those Acts respectively annexed as is repealed by this Act, shall from and after the said day be taken to have reference to the Schedule annexed to this Act, as if the Schedule annexed to this Act had been part of each of the Schedules A above mentioned.

III. And

III. And it is hereby enacted, that Act XV. of 1844, entituled an Act for amending the Schedules of Import Duties annexed to Act XIV. of 1836; to Act I. of 1838, and to Act VI. of 1844, be repealed.

SCHEDULE.

Rates of Duty to be charged on the following Goods imported by Sea into any Port of the Presidencies of Fort William in Bengal, Bombay or Fort St. George.

Enumeration of Goods.	When imported on British Bottoms.	When imported on Foreign Bottoms.
Marine Stores, the produce or manufacture of the United Kingdom or of any British Possession, ...	5 Per Cent. . . .	10 Per Cent.
Ditto ditto, the produce or manufacture of any other place or country,.....	10 Per Cent. . . .	20 Per Cent.
Metals, wrought or unwrought, the produce or manufacture of the United Kingdom or of any British Possession, ...	5 Per Cent. . . .	10 Per Cent.
Metals, ditto ditto, the produce or manufacture of any other place, ...	10 Per Cent. . . .	20 Per Cent.
Woollens, the produce or manufacture of the United Kingdom or of any British Possession, ...	5 Per Cent. . . .	10 Per Cent.

Woollens,

Enumeration of Goods.	When imported on British Bottoms,	When imported on Foreign Bottoms.
Woollens, the produce of any other place or country,.....	10 Per Cent. . . .	20 Per Cent.
Cotton and Silk Piece Goods, and all manufactures of Cotton or Silk, except Thread, Twist and Yarn, or of Cotton or Silk, mixed with any other material, the produce of the United Kingdom or of any British Possession, ...	5 Per Cent. . . .	10 Per Cent.
Ditto, the produce of any other place, ...	10 Per Cent. . . .	20 Per Cent.
Cotton Thread, Twist and Yarn, the produce of the United Kingdom or of any British Possession, ...	3½ Per Cent.. . .	7 Per Cent.
Ditto, the produce of any other place, ...	7 Per Cent.	14 Per Cent.
Porter, Ale, Beer, Cyder and other similar fermented Liquors, ...	5 Per Cent.	10 Per Cent.
Wines and Liqueurs, ...	1 Rupee per Imperial Gallon,	2 Rupees per Imperial Gallon.
Spirits, ...	1 Rupee and 8 Annas per Imperial Gallon,	3 Rupees per Imperial Gallon.

And

Enumeration of Goods.	When imported on British Bottoms.	When imported on Foreign Bottoms.
And the Duty on Spirits shall be rateably increased as the Strength exceeds London proof, and when imported in bottles, five quart bottles shall be deemed equal to the Imperial Gallon.		
All manufactured articles, not included in the above enumeration, ...	5 Per Cent.	10 Per Cent.

Calcutta, 1845:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. X. OF 1845.

Passed by the Governor General of India in Council on the 17th May 1845.

An Act for empowering Courts to issue Warrants in cases of failure to serve Summons.

IT is hereby enacted, that in the Territories subject to the Government of the East India Company, except the Local Jurisdiction of the Supreme Courts, whenever in any Criminal case a Summons to the Defendant is by Law the first process, it shall be lawful for any Court which has issued a Summons in such case, to issue a Warrant for the apprehension of the Defendant in such case upon proof that due diligence has been used to serve such Summons upon the Defendant, and that the Officer or other person whose duty it may be to serve such Summons upon the Defendant has been unable to serve such Summons; any Law or Regulation to the contrary notwithstanding.

Calcutta, 1845.—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XI. OF 1845.

Passed by the Governor General of India in Council on the 24th of May, 1845.

An Act for the better collection, management and disbursement of certain Public Funds and Monies for Police and Municipal purposes throughout the Islands of Bombay and Colaba.

I. IT is hereby enacted, that Sections 16, 27 and 28, and Chapter 3 of Regulation XIX. of 1827, of the Bombay Code, be repealed.

II. And it is hereby enacted, that the powers of Her Majesty's Justices under Section 158 of 33 Geo. 3, Chapter 52, shall be held to extend over the whole of the Islands of Bombay and Colaba.

III. And it is hereby enacted, that any person chargeable with any rate or tax on account of any Houses, Buildings or Grounds, or of any Shop or Stall, or of any Carriages, Carts or Horses, or any other matter or thing shall upon the order of any two or more Justices make a true return in writing of the annual value of all such Buildings, Houses and Grounds, and of all such Shops or Stalls, Carriages, Carts or Horses, and other matter or thing, and any person who shall refuse or neglect to deliver such return within eight

eight days after being required so to do, or shall wilfully make a false return, shall be liable to a fine not exceeding two hundred Rupees.

IV. And it is hereby enacted, that it shall be lawful for the Justices for the better identifying of any House or Building chargeable with any Assessment to cause a number to be painted or fixed upon such House or Building, and it is hereby enacted, that any person who shall obliterate, deface or destroy such number shall be liable to a fine not exceeding two hundred Rupees.

V. And it is hereby enacted—

1. That it shall be lawful for the Collector of Land Revenue of Bombay to make a Quarterly Assessment on each and every Shop and Stall within the Islands of Bombay and Colaba according to such rates as the said Governor in Council shall fix by Proclamation in the Government Gazette.

2. That the amount of such Assessment shall be collected by the Collector and received in the first instance by such person or persons as he may appoint, such Security having been given for the due discharge of the office as the said Collector may require, and the same liabilities and responsibilities as attach to individuals employed in the collection of Land Revenue of the said Presidency shall apply to all persons engaged in collecting the Tax.

3. That the Tax shall be collected quarterly, and for each payment made a receipt signed by the Collector shall be given by the person receiving the amount.

VI. And

VI. And it is hereby further enacted, that all religious Edifices, all temporary Houses, Bungalows, or other temporary buildings situated within the limits of Military Cantonments and occupied by European and Native Officers, or by the Soldiers and Sepoys of Her Majesty's and the Company's Army, shall be exempted from the payment of any Assessment.

VII. And it is hereby enacted, that the several Sums of Money specified under the following heads, shall in future be disbursed in the manner provided by this Act, viz.

All Sums of Money which shall hereafter be collected under the authority of—

The Statute 33d Geo. 3, Cap. 52, Sec. 158.

Rule, Ordinance, and Regulation II. of 1812, Art. 2 and 6.

Rule, Ordinance, and Regulation II. of 1813.

Proclamation dated 23d July 1817, by the Governor in Council of Bombay, of an Order of the Court of Directors, dated 29th January 1817, made under the authority of the Charter of the Court of Requests of Bombay, dated 8th January 1753, save and except the Fees thereby made payable to the Clerk of the said Court for his own benefit.

Rule, Ordinance, and Regulation I. of 1818.

Rule, Ordinance, and Regulation II. of 1827.

Regulation XIX. of 1827, C. 2, 4, 5, and 6.

Act No. XXVIII. of 1839.

And Section 5 of this Act.

All Sums of Money which shall be levied by the Court of Petty Sessions, or by the Magistrates of Police of Bombay, or by any of Her Majesty's Justices of the Peace within the Islands of Bombay and Colaba on account of any fines or penalties imposed by them for the breach of any Rule, Ordinance or Regulation, or of any Act of the Parliament of Great Britain, or of any Act of the Government of India.

All Sums of Money which shall be collected under Act V. of 1842, on the granting of any Licences for the Sale of Spirituous or other Liquors within the Town and Islands of Bombay and Colaba, after payment thereout of the expenses of such Office Establishment and of such expenses incidental thereto as may be fixed and approved by the Governor in Council of Bombay.

And all unapplied balances which at the time of the passing of this Act may be in the General Treasury to the credit of the County or Assessment Funds, or in the possession of the said Court of Petty Sessions, or of the Magistrates of Police, or any of Her Majesty's Justices of the Peace derived from any of the above enumerated sources.

VIII. And it is hereby enacted and provided, that nothing in this Act shall extend or apply to any fines imposed by the Collector of Customs of Bombay in his office and character of Collector, nor to such portion of any of the fines which the Court of Petty Sessions, or either of the Magistrates of Police may, in their discretion order, and which they are hereby authorized to order, to be paid to any Prosecutor or his Witnesses as and for compensation for loss of time, or for costs necessarily incurred by him in prosecuting the offences

offences for which such fines or penalties may have been ordered to be paid.

IX. And it is hereby enacted, that all Sums of Money which are by the said Act No. XXVIII. of 1839, ordered to be paid out of the Fund, therein called the County Fund, for the purposes in such Act specified, shall henceforth be paid out of the Fund in this Act designated the Municipal Fund.

X. And it is hereby enacted, that the several Sums of Money referred to in Section VII. of this Act, shall when collected and received, save and except so much as is otherwise provided for, be paid into the General Treasury, and form a Fund to be denominated The Municipal Fund, and such Fund shall be placed under the supervision and control of Her Majesty's Justices of the Peace in Sessions assembled, or such other persons as to the Government of Bombay may seem most fit, and that for the administering the same and carrying this Act into effect, an executive body shall be formed, which shall be denominated the Board of Conservancy, which shall be composed of Seven Members, of whom the Senior Magistrate of Police shall be Chairman, and the Collector of Bombay Ex-Officio a Member, and the other five Members shall consist of two European and three Native Resident Justices, who shall be elected by Her Majesty's Bench of Justices, or by such other persons as the Government of Bombay may appoint to supervise and control the Fund, and shall remain in office for a period of three years, when a fresh election of five other Justices to form such Board of Conservancy shall be made by the said Bench, or persons appointed for the purpose by the Government of Bombay, and so on at the end of every three years successively a like new election shall take place, but nothing shall prevent the re-election of the same Justices, or any one or more of them to form the said Board if in the discretion of the Bench, or other persons appointed to superintend

superintend and control the Municipal Fund, it shall be deemed advisable for the interests of the public, and in the event of a vacancy occurring by death or otherwise among any of the said five Members the said Bench or persons vested with the power by the Government of Bombay shall as soon as convenient elect some other Justice of the Peace to supply the said vacancy for the remainder of the three years, and until the next general election shall take place.

XI. And it is hereby enacted, that from and out of the said Municipal Fund, an Annual Sum of Rs. 45,000 shall in the first instance be deducted and paid by equal monthly instalments, and carried to the credit of the Governor in Council of Bombay in the General Treasury, to be applied by the said Governor in Council for and on account of the Expenses of the General Police throughout the Islands of Bombay and Colaba, and in the event of such expenses being at any time hereafter increased by a necessary augmentation of the Police Force, or through any other good cause, a further sum of Money, bearing the same proportion to such increased expenses of the Police aforesaid, as the sum of 45,000 bears to the present expenses of the Police aforesaid, shall be in like manner deducted and appropriated out of the said Fund.

XII. And it is hereby enacted, that after the deduction and payment of such sum of Money as aforesaid, the residue of the said Fund shall be appropriated and disbursed by the said Board under and subject to the control of Her Majesty's Justices of the Peace, or other persons appointed for that purpose by the Government, for the following purposes:

1. Defraying the expenses of the Establishments necessary for the purposes of this Act.

2. Repairing,

2. Repairing, Cleaning, Draining and Lighting the Public Roads, Streets, Bridges, Tanks, Market Places and other public places of a like kind.

XIII. And it is hereby enacted, that it shall be lawful for the said Board, with the approval of Her Majesty's Justices of the Peace, or other persons vested with that power by the Government to construct any new Roads or Streets, or other Public Works, tending to the improvement of the said Islands, connected with the comfort and health of the inhabitants thereof, which in their discretion they shall deem necessary, and for that purpose to cause Estimates and Plans to be framed and to be submitted to the Governor in Council of Bombay for his sanction, but no such new Road or Street, or other Public Work, shall be constructed without such sanction of the Governor in Council first had and obtained.

XIV. And it is hereby enacted, that it shall be lawful for the said Board, with the sanction of Her Majesty's Justices of the Peace in Sessions assembled, or with the sanction of such other persons as may be vested with the control of the Municipal Fund by the Government of Bombay to nominate and appoint, subject to the approval of the Governor in Council of Bombay:

One or more Superintendents of Repairs, Clerk to the Markets, Overseers and Scavengers, and any other Officer that may be found necessary for carrying out the purposes of this Act.

And such persons shall be under the immediate orders and control of the said Board, and shall receive such Salaries to be paid out of the said Fund as the said Justices or other authorities appointed by the Government of Bombay shall fix, and the Governor in Council of Bombay shall approve.

XV. And

XV. And it is hereby enacted and directed, that for better enabling the said Bench or persons empowered by the Government of Bombay to supervise and control the Municipal Fund, to ascertain the amount of fines payable to the said Fund from any of the sources aforesaid, there shall in every month be laid before them a summary of all convictions and punishments pronounced and determined by the said Court of Petty Sessions, or either of the Magistrates of Police or any Justice of the Peace respectively, during the preceding month.

XVI. And it is hereby enacted, that the sums authorized to be collected under the provisions of Chapter 4 of Regulation XIX. of 1827, shall in future be collected by such person as the Governor in Council shall appoint.

XVII. And it is hereby enacted, that the said Board shall bring to account all items of receipt, and shall as soon as practicable after 30th April of each year, render to the Governor in Council of Bombay and the Controlling Authorities, a Yearly Account of their Receipts and Disbursements under this Act, and the same shall be audited by such persons as the said Governor in Council shall appoint.

XVIII. And it is hereby enacted, that in the event of the body vested with the supervision and control of the Fund, rejecting any measure submitted for their sanction by the Conservancy Board, it shall be lawful for the said Board, if they see fit, to refer the subject to the Governor in Council of Bombay, whose decision thereon shall be final.

XIX. And it is hereby enacted, and declared that the terms " Police Fund," " County Fund" and " Assessment Fund," used in any Rule, Ordinance

or Regulation, or in any Act of the Government of India in force in the Islands of Bombay and Colaba, shall be taken to mean the "Municipal Fund" hereinbefore described.

XX. And it is hereby enacted, that all fines imposed under this Act, the recovery of which is not otherwise specially provided, shall be recovered and levied under Act No. II. of 1839.

Calcutta, 1845:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XII. OF 1845.

Passed by the Governor General of India in Council on the 7th June, 1845.

An Act for authorizing the employment of the Uncovenanted Assistant Register of the Sudder Dewanee and Sudder Foujdaree Adawlut of Bombay on the duties of Register.

IT is hereby enacted, that it shall be competent to the Court of Sudder Dewanee and Sudder Foujdaree Adawlut of Bombay to assign to the office of Uncovenanted Assistant Register to the Court any duties at present performed by the Register.

Calcutta, 1845 :—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XIII. OF 1845.

Passed by the Governor General of India in Council on the 28th June, 1845.

An Act for extending the power of the Supreme Court of Judicature at Bombay in regard to the admission and enrolment of persons to act as Attorneys of the said Court.

WHEREAS the Supreme Court of Judicature at Madras is by Her Majesty's Charter authorized and empowered to admit and enrol such persons having been admitted Attorneys or Solicitors in one of Her Majesty's Courts at Westminster, or being otherwise capable, to act in the character of Attorneys in the said Court:

And whereas the Supreme Court of Judicature at Bombay is by Her Majesty's Charter authorized and empowered to admit and enrol only such persons having been admitted Attorneys or Solicitors in one of Her Majesty's Courts at Westminster to act in the character of Attorneys of the said Court, and is not by the said Charter authorized and empowered to admit and enrol persons otherwise capable, to act in the character aforesaid:

And

And whereas it is expedient that the Supreme Court of Judicature at Bombay should have as large a discretion in regard to the persons to be admitted as Attorneys as the Supreme Court of Judicature at Madras:

It is therefore hereby enacted, that from and after the passing of this Act the Supreme Court of Judicature at Bombay is authorized and empowered to admit and enrol persons having been admitted as Attorneys in any of Her Majesty's Courts at Westminster and also persons being otherwise capable, to act as Attorneys of the said Supreme Court of Bombay.

Calcutta, 1845:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XIV. OF 1845.

Passed by the Governor General of India in Council on the 12th of July, 1845.

An Act to provide for the appointment of Nazirs in the Moonsiffs' Courts.

I. IT is hereby enacted, that so much of Clause 4, Section 5, Regulation VII. of 1832 of the Bengal Code, as enacts that certain duties assigned to the Nazir of the Judge's Court shall in the Moonsiffs' Courts be performed by the Moonsiffs themselves, and that the Tullubanah levied in the Moonsiffs' Court shall only be three-fourths of what is levied in the Judge's Court, is repealed.

II. And it is hereby enacted, that within the Territories subject to the Presidency of Fort William in Bengal, the Moonsiffs shall from and after the passing of this Act retain on their Establishments Nazirs to whom the provisions of Clause 8, Section 14, Regulation XXVI. of 1814 of the said Code shall be applicable.

Calcutta, 1845:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XV. OF 1845.

Passed by the Governor General of India in Council on the 16th August, 1845.

An Act for declaring and enacting the privileges of Native Officers and Soldiers of the Armies of the three Presidencies in respect of Judicial and Revenue proceedings.

I. WHEREAS doubts have arisen whether the Regulation XV. of 1816 of the Bengal Code is still in force, or how much, if any, of its provisions is still in force:

It is therefore hereby declared and enacted, that the said Regulation and every provision thereof are still in force.

II. And whereas by virtue of Regulation VIII. of 1817 of the Madras Code, the Law for the Madras Army is the same as the Law hereinbefore declared and enacted for the Bengal Army, and whereas it is expedient and just that the Law should be the same for the Bombay Army also:

It is therefore hereby enacted, that the said Regulation of the Bengal Code is extended to the Army of Bombay, except in so far as any of its provisions may be in their own nature inapplicable to that Army.

III. And

III. And whereas it is just and reasonable to extend the privileges conferred upon Native Officers and Soldiers by the Regulations aforesaid in respect of exemption from Stamps in legal proceedings:

It is hereby enacted, that all the Courts of the East India Company shall receive Plaints in original Suits, not being Suits originating in Loans or in pecuniary transactions of a Commercial nature upon unstamped paper when the plaintiff is a Native Officer or Soldier in the Military Establishment of the Presidency of Fort William, Fort St. George, or Bombay.

IV. Provided that the value of any Stamp from which a plaintiff may be exempted by the last preceding Section shall be charged in the Decree on behalf of Government to the Party cast or to the Parties respectively in such proportions as may be deemed equitable.

V. And it is hereby enacted, that if any Native Officer or Soldier shall institute a Suit under this Act in which he is not bona fide interested or not interested to the extent alleged in the Plaint, for the purpose of enabling some other person to avail himself fraudulently of the advantages conferred by this Act, such Native Officer or Soldier shall be liable to a fine not exceeding five times the value of the stamped paper which the party interested would have required for the institution of the Suit otherwise than under this Act, such fine to be levied in the manner prescribed for the execution of decrees.

VI. And whereas by Section IV. of Act IV. of 1840 it is enacted, that if any party shall complain to a Magistrate or other Officer exercising the powers of a Magistrate, that he has been without authority of Law forcibly dispossessed of any Land, Premises, Water, Fisheries, Crops or other produce of Land within the jurisdiction of such Magistrate or other Officer as aforesaid, whether the same were possessed by such party as Proprietor, dependant Talookdar, Farmer, Under-Farmer, Ryot, or otherwise, the Magistrate

or other Officer as aforesaid shall require the parties complained against, and any other parties concerned to appear and make defence in person or by Agent within a reasonable time; and if after the examination of the necessary witnesses and documents the complaint appears to him to be substantiated, he shall record a proceeding ordering the party complaining to be put again into possession of the subject of dispute and maintained in possession until the right to possession be determined by a competent Court; provided that no such order shall be passed unless the party complaining of having been so dispossessed prefer his claim within one month from the time of such dispossession:

And whereas it is just that when the party complaining is a Native Officer or Soldier, a longer period than one month from the time of dispossession should be allowed for preferring his claim:

It is therefore hereby enacted, that so much of the above recited Section of Act IV. of 1840, as provides that no such order as is therein mentioned shall be passed unless the party complaining of having been dispossessed in the manner therein mentioned prefer his claim within one month from the time of such dispossession, is repealed so far as regards complaints preferred by Native Officers or Soldiers.

VII. And it is hereby enacted, that no such order as is mentioned in the above recited Section of Act IV. of 1840 shall be passed, when the party complaining of having been dispossessed is a Native Officer or Soldier unless such party prefer his claim within such period as may be considered by the Magistrate reasonable with reference to the distance of the party and the difficulty of communication.

Calcutta, 1845:—Printed at the Bengal Military Orphan, Press, by G. H. Huttmann.

ACT No. XVI. OF 1845.

Passed by the Governor General of India in Council on the 16th of August, 1845.

An Act for regulating the re-admission of Appeals after dismissal under Act XXIX. of 1841.

WHEREAS the Provisions of Act XXIX. of 1841 are inconveniently severe as regards Appeals and it is expedient to mitigate the strictness thereof:

I. It is therefore hereby enacted, that whenever an Appeal in any of the Courts of the East India Company in the Presidencies of Bengal or Madras, shall after the passing of this Act have been dismissed under the Provisions of the said Act XXIX. of 1841, it shall be competent to the Court which shall have dismissed such Appeal to re-admit the same if the Appellant shall make application for that purpose on the Stamp prescribed for miscellaneous Petitions, within three months after the Appeal shall have been dismissed if dismissed by the Sudder Court, and within one month after the Appeal shall have been dismissed if dismissed by any other Court, and shall satisfy the Court that the dismissal was occasioned by the default of his Vakeel or by unavoidable accident.

II. And

II. And it is hereby enacted, that it shall be competent to any of the said Courts to re-admit any Appeal which may have been dismissed before the passing of this Act under the Provisions of Act XXIX. of 1841 if the Appellant shall make application for that purpose on the Stamp prescribed for miscellaneous Petitions, within three months after the passing of this Act, and shall satisfy the Court that the dismissal was occasioned by the default of his Vakeel or by unavoidable accident.

III. Provided always and it is hereby enacted, that no Appeal which has been re-admitted under this Act, and again dismissed under the Provisions of Act XXIX. of 1841, shall be again re-admitted.

Calcutta, 1845:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XVII. OF 1845.

Passed by the Governor General of India in Council on the 16th of August, 1845.

An Act for the better enforcement of the attendance of Witnesses in the Courts of the Moonsiffs, within the Presidency of Fort William in Bengal.

I. IT is hereby enacted, that Clauses 1 and 2, Section XXXI. and Clause 1, Section XXXII. of Regulation XXIII. of 1814, of the Bengal Code, are repealed.

II. And it is hereby enacted, that within the Territories subject to the Presidency of Fort William in Bengal, if any Moonsiff shall require the evidence of a person not within his local jurisdiction, and such person shall not attend at the requisition of the parties, the Moonsiff shall issue the necessary process for procuring the attendance of such person and send the same to the Moonsiff within whose local jurisdiction such person is, who shall endorse such process and cause it to be duly served and executed.

III. And it is hereby enacted, that within the said Territories all powers now exercised by Zillah Judges for enforcing the attendance of any person

person upon whom a summons to appear as a witness has been duly served, and who has failed to attend in their Courts, shall from and after the passing of this Act, be exercised by Moonsiffs for enforcing the attendance of any person upon whom a summons to appear as a witness has been duly served, and who has failed to attend in their Courts.—Provided that all orders passed by Moonsiffs under this Act shall be subject to an appeal to the Zillah or City Judge, whose decision thereon shall be final.

Calcutta, 1845 :—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XVIII. OF 1845.

Passed by the Governor General of India in Council on the 23d of August, 1845.

An Act for the punishment of offences committed by Convicts sentenced to imprisonment for life.

WHEREAS it is expedient that offences committed by Convicts sentenced to imprisonment for life, should be punished with greater severity than such offences are punished with in other cases:

I. It is hereby enacted, that within the Territories subject to the Government of the East India Company, except within the local limits of the jurisdiction of the Supreme Courts, and except within the Settlements in the Straits of Malacca, any Convict sentenced to imprisonment for life, or to transportation for life who does any act with the intention of thereby causing, or with the knowledge, that he or she is likely thereby to cause the death of any person, shall, upon conviction thereof, before the Sessions Court, subject to confirmation by the Sudder Court, be punished with death, or with transportation for life, or with Corporal punishment not exceeding

39 stripes, whether such Convict does or does not by such act cause the death of any person.

II. And it is hereby enacted, that any such Convict as aforesaid who commits any offence whatever other than the offences mentioned in the preceding Section, or who is guilty of violent or disorderly conduct after having been punished by the order of the Superintendent of the Jail, in which he or she is confined, shall, upon conviction thereof, before the Sessions Court subject, if the Sentence be transportation for life, to confirmation by the Sudder Court, be punished with transportation for life, or with Corporal punishment not exceeding 39 stripes.

Calcutta, 1845 :—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XIX. OF 1845.

Passed by the Governor General of India in Council on the 30th August, 1845.

An Act for incorporating the Assam Company.

WHEREAS it hath been discovered, that there are in the British Province of Assam and other the North Eastern parts of India, numerous and extensive tracts of country producing the genuine Tea Plant, and it has been ascertained that the soil and climate are in all respects adapted for the cultivation of the Tea Plant on an extensive scale:

And whereas it is considered, that the cultivation and manufacture of Tea in India will be of great national importance and benefit, as well to the United Kingdom as to the British Territories in India, and the same may be advantageously prosecuted on a scale beyond the resources and enterprize of individual Capitalists, and a Society or Company hath been lately formed for the purpose of prosecuting and extending the said culture and manufacture with a Capital of Company's Rupees 50,00,000 in 10,000 Shares of Co.'s Rs. 500 each, and certain grants of land have been already made to the said Company in Assam and the North East parts of India aforesaid, and Establishments have been formed by the said Company for the purposes of the said culture and manufacture, and are now in operation:

And

And whereas the whole 10,000 Shares have been subscribed for and appropriated, and the Proprietors have actually paid up Company's Rupees 20,00,000 of the said Capital of Company's Rupees 50,00,000, and the several Subscribers are willing at their own expense to carry on the said culture and manufacture, and it would tend much to the convenience and advantage as well of the said Subscribers as of the public, that they should be incorporated in the manner hereinafter mentioned and provided:

And whereas it is considered, that there are in Assam other articles and products of indigenous growth, or to which the soil and climate are also adapted, the culture and preparation of which may be carried on with great advantage and profit by the said Company as incidental to, or in connection with their Tea cultivation and establishment, and whereas it is desirable that provision should be made for enabling the said Company if they shall think fit to avail themselves thereof, and for enabling them to increase their Capital Stock:

And whereas several of the persons hereinafter named had been appointed and acted as a Provisional Committee for the purpose of forming and establishing the said Company, and commencing the business thereof, and the said Company has since been constituted under the provisions of a Deed of Association, bearing date the 31st day of January 1840, and made between the several persons whose names are thereunder subscribed, and whose seals are thereunto affixed, (except the several persons, parties thereto of the second and third parts) of the first part, Sir William Baynes, Baronet, Richard Twining, Thomas Weeding, John Alliston, Andrew Henderson, Francis Fox and William Cracroft, therein respectively described of the second part, and Sir George Gerard de Hochipied Larpent, Baronet, John Small, Alexander Rogers, Foster Reynolds, John Travers, William Manning, William R. Robinson and Ross Donnelly Mangles, therein also respectively described, of the

the third part, and under which Deed the business of the said Company has been commenced and carried on, and whereas in such Deed provision was made for confirming the several Acts, Deeds, Matters and Things executed and performed by the Provisional Committee in that capacity :

And whereas it is expedient that like provision should be made herein, and also provision for vesting, continuing and establishing in, for, and against the Corporate Body hereby created after (and notwithstanding their Incorporation) all such property, rights, contracts and liabilities whatever as the said existing Society or Company are, or but for such Incorporation would be possessed of, entitled or liable to :

I. It is therefore hereby enacted, that James Pattle, Charles Hay Cameron, Dwarkanauth Tagore, William Prinsep, Alexander Rogers, Henry Barclay Henderson, James Prinsep, Edward Harding, James Colquhoun, James Church, Henry Chapman, John Lowis, John Farley Leith, Thomas Charles Morton, Mutty Lall Seal, William Richard Young, James Young, Archibald Sconce, Richard Walker, Henry Meredith Parker, Edward Cockburn Ravenshaw, Charles Raikes, John Storm, George Shearwood, James Charles Colebrooke Sutherland, Samuel Smith, John Deans Campbell, John Carrington Palmer, William Soltan Pillans, Prosunno Coomar Tagore, Ramanath Tagore, Cuthbert Bensley Thornhill, Thomas Scott, Thomas Sewell, Francis Dashwood, Charles Dundas Mitchell, Alexander Garroch Mackenzie, Henry Augustus Woollaston, Francis P. Mendes, William Henry Jones, Peter Innes, Robert John Lattey, Jenkins Llewelyn, John Jenkins, Arthur Pittar Lattey, Andrew Henderson, John Grant, Alexander Garden, William Cobb Hurry, Henry Holroyd, Robert Becher, Daniel Eliott, Edward Garstin, John Becher, James Cullen, Thomas Hyde Gardiner, Donald McLeod Gordon, William Henry Harton, Thomas Henry Hockley, J. M. Hill, Thomas Bracken, John Carr, Theodore Dickens, Charles Deverinne, William Pringle Downing, John Calder,

Henry

Henry Burkinyoung, Charles John Burkinyoung, Roderick Mackenzie, John Williamson Macleod, John Muller, E. Elphinstone, J. D. Mullins, Richard Bird, Alfred Parker, C. J. Pittar, Henry Piddington, George Rogers, William Rushton, James Sydny Stopford, Robert Scott Thomson, C. A. Vertannes, William Greenway, R. S. Homfray, Francis Augustin, Richard J. Chambers, Aga Mahomed Ibrahim, Bissonauth Muttyloll, Brijonauth Dhur, Doorgachurn Dhur, Additchund Dutt, Gooroopersaud Bose, Gourmohun Gossain, Hadjee Mirza Mehdi Ispahanee, Luckinarain Dutt, Megnarain Roy, Muddenmohun Chatterjee, Nubkissen Sing, Nilcomol Ghose, Prawnkissen Law, Prawnkissen Bagchee, Rajah Radacant Deb, Radamadub Dutt, Ramchand Dhur, Rajchunder Mookerjee, Rajbullub Seal, Radacant Mitter, Shaik Allum Ullah, Sreecant Bannerjee, Seetanauth Bose, Woomachurn Bhose, and all other persons and corporations who have subscribed to, or shall hereafter subscribe towards the said undertaking, and their several and respective Successors, Executors, Administrators and Assigns shall be, and they are hereby united into a Company for the purposes herein declared, and shall constitute and be one Body Corporate by the name and style of the "Assam Company," and by that name shall have perpetual succession, and a Common Seal and by that name shall and may sue and be sued.

II. And it is hereby enacted, that it shall be lawful for the said Company to carry on, prosecute and extend the cultivation of the Tea Plant in the lands, which have already been granted to the said Company in Assam and the North East parts of India aforesaid, and to manufacture and dispose of the Tea the growth thereof, and generally to carry on the business of cultivating the Tea Plant, and manufacturing or preparing the same for sale and exportation, and for such purposes to take and hold or make any such grants, leases or purchases, or other acquisitions of land in perpetuity, or for any term of years as the Governor General in Council shall approve, such approval to be signified in writing under the hand of one of the Secretaries to the Government

Government of India, and if requisite to sell, dispose of and alienate the same respectively, and to form, erect and make all such establishments, buildings, works and conveniences as the said Company shall think proper, and generally to use all such other ways and means as to the said Company shall seem meet for carrying into effect the objects aforesaid; and also (if they shall deem it advisable) to engage in or prosecute the cultivation, manufacture or preparation of all and any such other products and articles as may be found expedient for, or incidental, or assistant to the production of Tea. Provided always that the said Company shall not engage in or prosecute the cultivation, manufacture or preparation of Opium, Coffee or Sugar.

III. And it is hereby enacted, that the Capital of the said Company shall consist of Company's Rupees 50,00,000, to be contributed in 10,000, Shares of Company's Rupees 500 each, which shall be the original Capital of the said Company, and of such further sum as may be raised by the creation and sale of new Shares as hereinafter provided for. Provided always that it shall and may be lawful for the said Company at any time, and from time to time to encrease the Capital of the said Company to any amount not exceeding One Crore of Company's Rupees altogether by the issue of fresh Shares of Company's Rupees 500 each upon such terms as to them shall seem fit.

IV. Provided always and it is hereby enacted, that it shall not be lawful for the said Company to raise money by way of loan to a greater amount than one-fifth of the Capital of the said Company.

V. And it is hereby enacted, that all and every the Grants of Land already made, obtained or contracted for by the said Society or Company in the names of any Directors or Director therof, or of any person or persons, and the plantations and works made and erected thereon and the produce thereof, and all offices, warehouses, and buildings, and all articles whatsoever upon or appertaining

ing thereto, or used therewith, and all property, real and personal, goods, articles and things whatsoever purchased, taken, bought, grown, produced or otherwise acquired for the purposes of the said Company, and all the estate, right, title and interest whatsoever therein both at Law and in Equity to all intents and purposes shall henceforth vest in and belong to the said "Assam, Company," and their successors in their corporate capacity, and that no individual Subscriber or Shareholder thereof shall as such have or pretend to any estate, ownership or right of property therein.

VI. And it is hereby enacted, that the said Company shall have full power to make and constitute any Bye Laws, Rules and Regulations not repugnant to Law or to this Act for and relating to the government and affairs of the Company, and for the government and guidance of the Directors and Officers, and from time to time to rescind, alter and vary the same, and that the provisions of the said Deed of Association shall until duly altered or abrogated constitute and be deemed the first Bye Laws, Rules and Regulations of the said Company, and shall have and take effect as such so far and in such particulars as the same are not repugnant to Law or to this Act.

VII. Provided always and it is further enacted, that nothing herein contained shall be construed to render illegal or invalid any General or other Meeting of the said Company, or of the managing body thereof, or any election, resolution, or other proceeding whatsoever held, made or passed thereat by reason of the same being held in pursuance of the said Bye Laws, Rules and Regulations so contained in the said Deed of Association.

VIII. And it is hereby enacted, that a General Meeting of the said Company shall be held at the principal office or place of business of the said Company at Calcutta twice at the least in every year and oftener, when and if need shall be, the time of holding which periodical Meetings, and the form

and

and mode of requisition for holding special or extraordinary Meetings, and of advertizing and giving notice thereof respectively shall be settled and determined by Bye Law or Rule of the said Company. And that at all such General Meetings, whether periodical or special, every Proprietor holding 5 Shares and less than 20 Shares, shall be entitled to 1 vote, 20 and less than 50 Shares, to 2 votes ; 50 and less than 100 Shares to 3 votes, 100 Shares and upwards, to 4 votes, but that no Proprietor shall be entitled to vote who shall not hold at least 5 Shares, provided, however, that except as to the present Proprietors of the said Company and the Shares now held by them only the Shares in respect of which any Proprietor shall claim to vote shall have been held for such period of time as is or shall be required by Bye Law of the said Company, provided always and it is hereby enacted that votes given by proxy according to any Bye Law, Rule or Regulation of the said Company shall be deemed to be as valid and effectual as if given in person.

IX. And it is hereby enacted, that at such periodical Meetings as aforesaid, the Books and Accounts of the said Company shall be produced and exhibited for the inspection, examination and approval of the Subscribers or Shareholders at large, and that at each of such periodical Meetings there shall be produced and presented by the Directors, or other Officers of the said Company for the time being a true account in abstract and balance sheet shewing the whole of the receipts and disbursements and operations of the said Company commencing from the date of their next preceding periodical Meeting and Account brought down to the date of holding such periodical Meeting at which the same shall be produced, or as near thereto as conveniently may be, and that such abstract account and balance sheet when examined, approved or passed by such or any subsequent Meeting shall immediately be published in the Government Gazette of Calcutta, and in two public Newspapers of general circulation at Calcutta aforesaid.

X. And

X. And it is hereby enacted, that all payments already made on account of the Shares subscribed for in the said Company shall be deemed valid and effectual payments, and are hereby acknowledged and confirmed.

XI. And it is hereby enacted, that a Certificate signed by three Directors of the said Company shall be delivered to every Proprietor or Shareholder of the said Company, and that any Share of the said Company shall be transferable by indorsement made on the Certificate representing such Share or Shares respectively by the holder thereof, provided that such indorsement shall specify the name of the party to whom such transfer is made; Provided always that no such indorsement shall be effectual to transfer any Share or Shares until the transfer shall have been registered in a registry to be kept for that purpose at the Principal Office in Calcutta of the said Company, and until a note of such registration and of the date thereof shall have been made on the back of the indorsed Certificate under the hand of the Secretary of the said Company for the time being, or of such other Officer as shall be appointed by the said Company for that purpose.

XII. And it is hereby enacted, that the Shares of and in the said Company shall, as between the several Proprietors thereof, and their real and personal representatives, and all other persons claiming under them, be deemed to be personal Estate to all intents and purposes whatsoever, and be transmitted and transmissible and disposed of accordingly.

XIII. And it is hereby enacted, that for the purpose of satisfying any demands upon the said Company, or for the purpose of raising any further Capital that shall become requisite for the purposes aforesaid, the several Subscribers or Shareholders shall pay up the whole or any part of the unpaid amount of their respective Shares by instalments to be called for by such persons in such manner, and to be paid at such times and places and manner as shall be

appointed

appointed for that purpose by any Bye Law or Regulation of the said Company.

XIV. And it is hereby enacted, that it shall be lawful for the said Company by Bye Law or Rule to provide that if any such instalment be not paid on or before the day fixed for the payment thereof, interest after any legal rate to be appointed by such Bye Law or Rule shall be paid upon such instalment from such day up to the day when the same shall be actually paid, and the amount of any such call with interest shall be a debt due to the said Company, and it shall be lawful for the said Company in like manner to make any provision or provisions for the forfeiture of any Share or Shares on the non-payment of any such instalment and interest or the restoration of any forfeited Share or Shares. Provided that no such forfeiture shall be incurred until after default shall have been made for at least three calender months.

XV. And it is hereby enacted, that the said Company shall have the benefit of and shall be bound by all the Contracts, Acts, Deeds, Matters and Things which up to the passing of this Act have been done, executed and performed by the Provisional Committee, or the Partnership Association constituted under the said Deed of the 31st January 1840, and hitherto known as the Assam Company for the purpose of forming and establishing the said Company, or by, or with their or any of their order, direction or sanction in regard thereto, or to the business, or the funds, or property thereof, or in any wise relating thereto. And the said Company shall and may in manner hereinmentioned and provided in that behalf, sue and be sued thereon, and in respect thereof, and shall have and be subject to the like rights and liabilities in respect thereof, as the said Partnership Association or the Members thereof would have been.

XVI. And

XVI. And it is hereby enacted, that a copy of the Original Deed of Association of the said Company, and copies of all Rules, Orders, Bye Laws, Regulations or Proceedings of the said Company, or other Instruments whatsoever, whereby any change shall at any time be made by the authority of the said Company in the provisions of the said Original Deed of Settlement shall be kept at the Office of the said Company in Calcutta, and shall there be open to the inspection of all persons during the usual hours of business of the said Office, and a copy of such Original Deed of Settlement, and a copy of each such Rule, Order, Bye Law, Regulation, Proceeding or Instrument as aforesaid, shall also be deposited by the said Company as soon as it can be done after the passing of this Act, or after the making of any such Rule, Order, Bye Lav, Regulation, Proceeding or Instrument hereafter to be made, in the Office of the Prothonotary of the Supreme Court of Judicature at Fort William aforesaid, and shall be there filed, and be and remain open to the inspection of all persons during the usual hours of such Office, and an examined copy of each such filed copy as aforesaid certified by and under the hand of the Prothonotary for the time being of the said Supreme Court shall be good and sufficient evidence of each such Original Deed, Rule, Order, Bye Law, Regulation, Proceeding or Instrument in all Actions, Suits and Proceedings whatsoever, whether Civil or Criminal, to be had in any Court of Justice, or before any Magistrate or other Officer whether acting judicially, or in any proceeding preliminary to a judicial enquiry throughout the Territories for which the Governor General in Council has power to legislate.

XVII. And it is hereby enacted, that the said Company shall cause the name of each and every Director of the said Company, and also the name and proper official description of each and every Officer of the said Company, and of every person acting and officiating for the time being as such Officer to be entered in a book to be kept at the said Principal Office in Calcutta of the said Company, to be there open to the inspection of all persons during the

the usual hours of business of the said Office, and shall also within six months from the time of passing this Act cause a Memorial of the said names and descriptions respectively to be enrolled in the said Office of the Prothonotary of the said Court, and a fresh Memorial thereof to be from time to time enrolled as often as any change or changes shall be made or take place either in the Direction aforesaid or in any of the said Offices.

XVIII. And it is hereby further enacted, that the said Company shall cause the names, places of residence, and descriptions of the business, profession or employment of the Proprietors of Shares in the said Capital Stock, and the number of Shares held by each Proprietor, to be registered in a book and numbered in a regular consecutive series beginning with No. 1, and such book shall be kept at the said Office in Calcutta of the said Company, and shall there be open to the inspection of all persons during the usual hours of business, and each successive transfer or change of Ownership in any Share or Shares shall be entered in the manner above mentioned with the like particulars above mentioned in the said book, and against the original entry of such Share or Shares shall be entered a note of every such change of Ownership or transfer, with a sufficient reference to the place or places in such book wherein is or are made the entry or entries of the name or names, place or places of residence and descriptions of the Proprietor or Proprietors to whom or in whose favor such transfer or change, transfers or changes shall have been made or had from time to time as aforesaid.

XIX. And it is hereby enacted, that the said Company shall sue and be sued, and described in and by its said corporate name and not otherwise in all proceedings whatsoever, whether Civil or of a Penal or Criminal character, and whether the same be the proceedings of any Court, or of any Magistrate or other Officer executing any enquiry either preliminary to, or in the nature of a judicial investigation or enquiry, and shall for all purposes of jurisdiction be

capable

capable of suing and proceeding, and be liable to be sued and proceeded against in its said corporate name, character and capacity in and before any such Court, Magistrate or Officer within any of the Territories for which the Governor General in Council has power to legislate in respect of all matters and things over which such Court, Magistrate or Officer respectively may have jurisdiction, and to the extent of such jurisdiction in like manner as the same may for the time being be there had by or against any British subject or subjects within the said Territories ; Provided always that no process or proceedings whatsoever whether of a mesne or judicial nature shall be had against the person or property of any individual Members, Shareholders or Subscribers of the said Company either for the purpose of giving notice of any suit or proceeding, or of effecting any appearance to any suit or proceeding, or of obtaining payment or satisfaction of any debt, claim or demand against the said Company, or of levying any fine or penalty awarded against the said Company, or of obtaining payment or satisfaction of any judgment, decree, award, order or determination against the said Company, or for any the like purpose, but that all such process and proceedings of what nature soever shall be had solely against the Corporate Stock, Property and Effects of the said Company.

XX. And it is hereby enacted, that all services of mesne process, and all notices whatsoever which by law, or by the practice of any Court wherein the said Company shall sue or be sued, are required to be served or given for the purpose of compelling or causing an appearance to be entered in any suit, or for enabling a proceeding to be had exparte in the absence of a party to a suit or previously to the institution of any suit or proceedings, or for any other purpose whatsoever connected with or having reference to the continuation, conduct or prosecution of any suit, or the revival of the same, or which shall at any time be directed to be given by any such Court to the said Company in reference to any proceedings therein pending shall and may be made and given in addition to all ways and means by which the same may otherwise

be

be legally made or given upon, or to the Secretary for the time being of the said Company resident in Calcutta, or the person or persons acting and officiating as such, or by leaving the same addressed to the said Secretary or person acting and officiating as such at the said Principal Office in Calcutta of the said Company.

XXI. And it is hereby enacted, that this Act shall continue in force until the 30th day of April, 1854.

Calcutta, 1845 :—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XX. OF 1845.

Passed by the Governor General of India in Council on the 6th of September, 1845.

An Act providing Articles of War for the Government of the Native Officers and Soldiers in the Military Service of the East India Company.

WHEREAS by an Act passed in the third and fourth years of the reign of His Majesty King William the Fourth, intituled an Act for effecting an arrangement with the East India Company and for the better government of His Majesty's Indian Territories till the Thirtieth day of April, One Thousand Eight Hundred and Fifty-four, it was amongst other things enacted, that it should be lawful for the Governor General of India in Council, from time to time, to make Articles of War for the government of the Native Officers and Soldiers in the Military Service of the Company, and for the administration of justice by Courts Martial to be holden on such Officers and Soldiers, and such Articles of War from time to time to repeal or vary and amend, and that such Articles of War should be made and taken notice of in the same manner as all other the Laws and Regulations to be made by the said Governor General under the said Act, and should prevail and be in force and should be of exclusive authority over all the Native Officers and Soldiers in the said Military Service, to whatever Presidency such Officers and Soldiers might belong or wheresoever they might be serving: provided nevertheless that until such

Articles of War should be made by the said Governor General in Council, any Articles of War for or relating to the government of the Company's Native Forces, which at the time of the said Act coming into operation should be in force and use in any part or parts of the Territories under the Government of the said Company should remain in force:

It is hereby enacted, in pursuance of the above recited authority, that the following Articles of War shall, from and after the Seventh day of October, 1845, be the Articles of War for the government of the said Native Officers and Soldiers in the Military Service of the said Company, and for the administration of justice by Courts Martial to be holden on such Officers and Soldiers.

ARTICLES OF WAR.

SECTION I.

Of Inlisting and Discharges.

Article 1.

Every Recruit, prior to being enrolled in his Regiment, shall have the First Four Articles of the Second Section of these Articles of War read and explained to him, after which such Declaration as is now used, if any, in the respective Presidencies, shall be made to him by the Officer Commanding, in front of the Regiment or Corps, in presence of the Native Officers and Soldiers, and an oath or declaration shall then be required from him, according to the forms of his religion, such oath and declaration to be the like as are now used in the respective Presidencies.

* ARTICLE 2.

No Commissioned Officer shall be dismissed except by the Sentence of a General Court Martial. No Non-Commissioned Officer or Soldier shall be discharged as a punishment except by the Sentence of a Court Martial, or by order of the Commander in Chief at the Presidency to which he may belong. Every such dismissal or discharge shall include forfeiture of all claim to pension. Provided that no Sentence of discharge awarded by a Court Martial inferior to General shall be carried into effect without the concurrence of the Commander in Chief, or the General or other Officer Commanding the Division, Field Force, District or Brigade, in which the Prisoner may be serving. Provided also, that the Governor General in Council in his executive capacity, and the Governor in Council of any Presidency to which a Commissioned or Non-Commissioned Officer or Soldier may belong, shall have power to order his dismissal or discharge.

ARTICLE 3.

All Non-Commissioned Officers and Soldiers discharged the Service, shall be furnished by the Commanding Officer of the Regiment with a Discharge Certificate, made out in the Vernacular Language of the individual discharged, with an English Translation, expressing the authority for, and cause of, such discharge, and the period of his entire Service in the Army.

* ARTICLE 4.

No Non-Commissioned Officer or Soldier shall enlist himself in any other Regiment without a regular discharge from his former Regiment, under the penalty of being reputed a Deserter, and suffering accordingly.

SECTION II.

Crimes and Punishment.

Crimes punishable with death, transportation, corporal punishment, imprisonment or dismissal.

ARTICLE 5.

Any Officer, or Soldier, who shall begin, excite, cause, or join in any Mutiny or Sedition in the Regiment or Corps to which he belongs, or in any other Corps or Regiment whatsoever, on any pretence whatever; or who, being present at any Mutiny or Sedition, shall not use his utmost endeavours to suppress it; or who, coming to the knowledge of any Mutiny, intended Mutiny, or concealed combination against the State, shall not without delay give information thereof to his Commanding Officer; —— or

ARTICLE 6.

Who shall strike his Superior Officer, or shall draw or offer to draw, or lift up any weapon, or use or offer any violence, against him; whether on or off duty, and under all circumstances in which his Superior Officer may be distinguishable as such in any manner; —— or

ARTICLE 7.

Who shall disobey any lawful Command of his Superior Officer; —— or

ARTICLE 8.

Who shall desert from the East India Company's Service, (whether or not he shall re-enter or re-enlist in the same;) —— or

ARTICLE 9.

Who being a Sentry, in time of War or alarm, shall sleep upon his post, or shall leave it before regularly relieved or without leave; —— or

ARTICLE 10.

Who shall shamefully abandon or deliver up any Garrison, Fortress, Post or Guard, committed to his charge, or which it was his duty to defend; or who shall use means to induce any other Officer or Soldier so to abandon or deliver up any such Garrison, Fortress, Post or Guard; —— or

ARTICLE 11.

Who shall treacherously make known the watchword to any person not entitled to receive it, according to the Rules and Discipline of War; — or

ARTICLE 12.

Who shall hold correspondence with or give intelligence to the Enemy or any person in arms against the State, either directly or indirectly; or who, coming to the knowledge of such correspondence or communication, shall not discover it immediately to the Commanding Officer; —— or

ARTICLE 13.

Who shall directly or indirectly assist or relieve the Enemy, or persons in arms against the State, with money, victuals or ammunition; or shall knowingly harbour or protect any Enemy or Person in arms against the State; —— or

ARTICLE 14.

Who shall treacherously release, wilfully aid, or connive at the escape of any Enemy or Person in arms against the State, placed as a Prisoner under his charge; —— or

ARTICLE 15.

Who shall misbehave himself before the Enemy, or persons in arms against whom he is led, or use means to induce others so to misbehave; —— or

ARTICLE 16.

Who shall in presence of an Enemy, or of persons in arms against whom he is led, shamefully cast away his arms or ammunition; —— or

ARTICLE 17.

Who shall leave his Commanding Officer, or his Post, or Colours, or Party, in time of action, to go in search of Plunder; —— or

ARTICLE 18.

Who in time of War shall do violence to any person bringing provisions or other necessaries to the Camp or Quarters of the Forces; or shall force a Safeguard; or break into any house, or other place for plunder; or plunder fields or gardens or other property; —— or

ARTICLE 19.

Who in time of War shall by discharging Fire Arms, drawing swords, beating drums, making signals, using words, or by any means whatever, intentionally occasion false alarms, in Action, Camp, Garrison or Quarters; —— or

ARTICLE 20.

Who shall without proper authority release any State Prisoner, or through carelessness or neglect shall suffer any such Prisoner to escape; —— or

ARTICLE 21.

Who, being a Sentry placed over any State Prisoner, or over Treasure, or over a Magazine or Dock Yard, shall quit his Post without being regularly relieved or without leave, or shall sleep upon his Post; —

Shall, if an Officer, on conviction, suffer Death, or Transportation for life, or be dismissed the service.

And, if a Soldier, shall, on conviction, suffer Death, or Transportation for life; or imprisonment with or without hard labour, for life or for any term of years: and with or without solitary confinement for any portion or portions of the term of imprisonment, not exceeding twenty-eight days at a time, nor eighty-four days in any one year, with intervals between the periods of solitary confinement of not less duration than such periods of solitary confinement; or shall suffer Corporal Punishment; or dismissal from the Service; as by a General Court Martial shall be awarded.

Crimes not punishable with Death or Transportation.

ARTICLE 22.

Any Officer or Soldier who shall in operations in the field, spread Reports by Words or Letters calculated to create unnecessary alarm in the Troops, or in the vicinity, or in rear of the Army; —— or

ARTICLE 23.

Who shall, in Action or previously to going into Action, use words tending to create Alarm or Despondency ; —— or

ARTICLE 24.

Who shall be drunk when on or for duty or on Parade or on the Line of March ; —— or

ARTICLE 25.

Any Soldier who shall be grossly insubordinate or insolent in the Ranks; or grossly insubordinate and violent in the presence of a Court Martial;

Shall, if an Officer, on conviction, be sentenced to be dismissed the Service, or to be suspended from Rank and Pay and Allowances ;

And, if a Soldier, shall on conviction before a General, or District, or Garrison Court Martial, be sentenced to suffer such punishment as a General, or District, or Garrison Court Martial is by these Articles of War respectively empowered to award.

Provided, that such Offender shall not be Sentenced to Death, or Transportation, or Imprisonment with Hard Labour.

ARTICLE 26.

Any Officer who shall behave in a manner unbecoming the character of an Officer ; (the fact or facts whereon the charge is grounded being clearly specified therein ;) —— or

ARTICLE 27.

Any Officer or Soldier, who being under arrest or in confinement, shall leave his arrest or confinement before he is set at liberty by competent authority; —— or

ARTICLE 28.

Who shall advice or persuade any other Officer or Soldier to desert, or who shall connive at such desertion; or who shall knowingly receive and entertain any Deserter, and shall not immediately on discovery give notice to his Superior Officer; or shall not cause such Deserter to be apprehended by the Civil Power; —— or

ARTICLE 29.

Who shall obtain or attempt to obtain for himself, or for any Officer or Soldier, or for any other person whatsoever, any Pension or Allowance, by any false Statement, Certificate or Document, or by the omission of the true Statement, or Certificate, or Document; —— or

ARTICLE 30.

Who shall knowingly make a false Return or Report, to any his Superior Officer authorized to call for a Return or Report, of the state of the men under his Command, or of Arms, Ammunition, Clothing or other Stores thereunto belonging, or of which he may have charge; —— or

ARTICLE 31.

Who shall malinger, feign, or intentionally produce disease or infirmity; or intentionally delay his cure; or intentionally aggravate his disease or infirmity; —— or

ARTICLE 32.

Who, at any post, or on the march, shall illegally and against the will of the parties extort money or property of any description, as fees or duties, or on any pretence whatever; or shall, without authority, exact from Villagers or others, carriage, porterage, or provisions; —— or

ARTICLE 33.

Who shall wantonly and intentionally defile any place dedicated to religious worship, or shall wantonly and intentionally insult the religious prejudices of other persons; —— or

ARTICLE 34.

Who shall, without orders, commit any waste, or spoil, or plunder, or shall injure or destroy any property; —— or

ARTICLE 35.

Any Soldier who shall, contrary to orders, when off duty, appear in or about Camp or Cantonments, or on occasion of visiting Towns or Bazars, carrying a sword, bludgeon, or other weapon; —— or

ARTICLE 36.

Who shall sell, pawn, or designedly, or through neglect, lose or injure his horse, arms, clothes, accoutrements, or regimental necessaries; or any of the above articles entrusted or belonging to any other Soldier; ——

Shall, if an Officer, on conviction, be sentenced to be Dismissed the Service, or to be Suspended from Rank and Pay and Allowances.

And,

And, if a Soldier, shall, on conviction before a General, District, or Garrison Court Martial, be sentenced to suffer such punishment as a General, or District, or Garrison Court Martial is by these Articles of War respectively empowered to award.

Provided that such Offender shall not be sentenced to Death, or Transportation, or Corporal Punishment.

Crimes punishable with Fine or loss of Pay, in addition to other Punishments.

ARTICLE 37.

Any Officer, or Soldier, who shall embezzle or fraudulently misapply any money entrusted to him on the public account, or for any Military purpose; or any Provisions, Forage, Arms, Clothing, Ammunition, or Military Stores, of whatever kind or description, the property of Government, entrusted to his charge; or who shall wilfully spoil such property or suffer it to be spoiled, or shall be concerned in or connive at any such embezzlement or fraudulent misapplication; ——

Shall, on conviction before a General Court Martial, be dismissed the service, and fined to the extent of his arrears of Pay and Allowances; and be further liable to suffer imprisonment with or without hard labour for a term which may extend to three years, and with or without solitary confinement to be regulated as aforesaid.

ARTICLE 38.

Any Soldier who shall be guilty of *disgraceful conduct;*

In wilfully maiming or injuring himself, or any other Soldier at the instance of such Soldier, with intent to render himself or such Soldier unfit for the Service, or with intent to take his own life; —— or

ARTICLE 39.

In purloining or selling Government Stores; —— or

ARTICLE 40.

In stealing money or goods, the property of a Soldier, or of a Military Officer, or of any Military Mess, or of any person or persons belonging to or serving with or attached to the Army; —— or

ARTICLE 41.

In embezzling or fraudulently misapplying public money entrusted to him for any Military purpose; —— or

ARTICLE 42.

In committing any petty offence of a fraudulent nature, to the injury of or with intent to injure any person, Civil or Military; —— or

ARTICLE 43.

Who shall be guilty of any other *disgraceful conduct*, being of a cruel, indecent, or unnatural kind;

Shall, on conviction before a General, or District, or Garrison Court Martial, be liable to suffer such punishments as any such Courts are by these Articles of War respectively empowered to award for *disgraceful conduct*.

And every such offender shall, if not dismissed the service, further be put under stoppages, by sentence of the Court, not exceeding half of his monthly Pay and Allowances; until the amount be made good of any loss or damage arising out of his misconduct.

And

And if such offender shall be dismissed the service, he shall further be sentenced to forfeit his arrears of Pay and Allowances due at the time of his discharge, or in such proportion as may be required to make good such loss or damage.

Crimes not punishable with Corporal Punishment or Imprisonment with Labor.

ARTICLE 44.

Any Officer, or Non-Commissioned Officer who shall strike or otherwise illtreat any Soldier; —— or

ARTICLE 45.

Any Sentry who in time of peace shall sleep upon his Post, or shall leave it before regularly relieved or without leave; —— or

ARTICLE 46.

Any Officer, or Soldier, who shall knowingly enlist a Deserter, or connive at his enlistment; —— or

ARTICLE 47.

Who directly or indirectly shall require or accept a bribe, present, or gratification, on the pretence of or as a consideration for procuring leave of absence, promotion, or any other advantage or indulgence for any Officer or Soldier; —— or

ARTICLE 48.

Who, being in Command at any Post, or on the march, on complaint made to him of any person under his command beating or otherwise illtreating

any person; or extorting from him more than he is obliged to furnish by authority, or disturbing fairs or markets, or committing any kind of riot; shall not see reparation done to the party or parties injured; or, if that be impracticable, shall not report the same to his Superior Officer; —— or

ARTICLE 49.

Who being in Command of a Guard, shall refuse to receive any Prisoner duly committed to his charge; or shall without proper authority release any prisoner, or shall suffer, through carelessness or neglect, any prisoner to escape; —— or

ARTICLE 50.

Who shall quit his Guard or Picquet in time of peace, without being regularly relieved, or without leave; —— or

ARTICLE 51.

Who shall impede the Provost Marshal, or his Assistants, or any other Officer or person legally exercising authority;—or refuse to assist him when requiring his aid in the execution of his duty; —— or

ARTICLE 52.

Who, being on leave of absence, shall have received information from the Head Quarters of his Regiment, or from other competent authority, that his Regiment has been ordered on service, and shall not rejoin without delay; —— or

ARTICLE 53.

ARTICLE 53.

Who in time of peace shall, by discharging fire arms, drawing swords, beating drums, or by any other means whatever, intentionally occasion false alarms in Camp, Garrison, or Cantonments ; —— or

ARTICLE 54.

Who shall fail to repair at the time fixed to the parade, or place appointed, for exercise or duty if not prevented by sickness or some other sufficient cause ; —— or

ARTICLE 55.

Who shall, without urgent necessity, or without leave of his superior Officer, quit his Company or Troop or the Parade ; —— or

ARTICLE 56.

Who shall absent himself without leave; or shall, without sufficient cause, overstay the period for which leave may have been granted him ; —— or

ARTICLE 57.

Any Soldier who shall be found two miles from the Camp contrary to orders ; —— or

ARTICLE 58.

Who shall, contrary to orders, be absent from his Cantonment after tatoo, or from Camp after retreat beating ; —— or

ARTICLE 59.

ARTICLE 59.

Who shall sell, lose, or designedly, or through neglect, waste the ammunition delivered out to him;

Shall, if an Officer, on conviction, be sentenced to suspension from Rank and Pay and Allowances; or to be Reprimanded in such manner as the Commander in Chief may direct;

And, if a Soldier, shall, on conviction before a General, or District, or Garrison, or Regimental Court Martial, be sentenced to suffer such punishment as any such Courts Martial are by these Articles of War respectively empowered to award;

Provided that such offender shall not be liable to be sentenced to suffer Corporal Punishment or Imprisonment with Hard Labour.

ARTICLE 60.

All crimes not capital, and all disorders or neglects which Officers or Soldiers may be guilty of, to the prejudice of good order and Military discipline, though not specified in these Articles, are to be taken cognizance of by Courts Martial, and to be punished according to the nature and degree of the offence, by the Sentence of a General, or District, or Garrison, or Regimental Court Martial; provided that a Soldier shall not for any such offences be liable to be sentenced to suffer Corporal Punishment or Imprisonment with Hard Labour.

Crimes incident to Courts Martial.

ARTICLE 61

Any person amenable to these Articles of War, who, when duly summoned before a Court Martial, shall not attend, or shall refuse to be sworn, or

to

to make affirmation, or to answer any lawful question; or who shall induce any other person so to offend;

Shall be punished according to the Sentence of the same or another Court Martial, with Dismissal or Suspension from Rank and Pay and Allowances, if a Commissioned Officer; with Dismissal or reduction to the ranks if a Non-Commissioned Officer; or with Dismissal or imprisonment, if a Soldier;

Provided that such person, being a Commissioned Officer, shall not be liable to be punished by any but a General Court Martial; and that no offender punished under the provision of this Article of War shall be sentenced to suffer Imprisonment with hard labour, or Corporal Punishment.

ARTICLE 62.

Any person not amenable to these Articles of War, who, havingbeen summoned upon any Court Martial, shall refuse or neglect to attend, or who attending shall refuse to be sworn, or to make affirmation, or to answer any lawful question, or shall give such testimony as, if given in a Criminal C ourt, would render him guilty of perjury; or who shall induce any other person so to offend;——

Shall be delivered to a Magistrate to be proceeded against according to law.

ARTICLE 63.

Any person using menacing or disrespectful words, signs, or gestures, in the presence of a Court Martial then sitting, or causing any disorder or riot so as to disturb their proceedings; ——

Shall be punished according to the condition of the offender and the nature and degree of his offence, by the sentence of the same or another Court Martial, if he be amenable to these Articles of War; provided that such offender shall not be liable to be sentenced to Corporal Punishment or to Imprisonment with hard labor; And if not amenable to these Articles of War, the offender shall be delivered over to a Magistrate to be proceeded against according to law.

ARTICLE 64.

Any Officer, or Soldier, who shall be found guilty of wilfully and knowingly giving false evidence on oath or affirmation on any trial before any General, or other Court Martial, or any Military Court entitled to administer an oath; or of inducing any other person so to offend;——

Shall be dismissed the service, and shall be further subject to fine to the amount of his arrears of Pay and Allowances, or to Imprisonment which may extend to three years;—according to the Sentence of a General, or District, or Garrison Court Martial.

Crimes admitting of less serious notice.

ARTICLE 65.

Whereas it may be advisable that some of the offences which by the foregoing Articles are directed to be tried by a General, or District, or Garrison Court Martial, should, in certain cases which admit of less serious notice, be tried by District, or Garrison, or Regimental Courts Martial respectively,—in such cases the Officer Commanding the Regiment or Corps to which the offender belongs shall lay a particular statement of the case before the General

General or other Officer having authority to convene General, or District, or Garrison Courts Martial, under whose command such offender may be serving, with an application so to proceed; and such General or other Officer will exercise his discretion in complying or not with such application; but the permission of such General or other Officer so to proceed, shall be entered upon the proceedings at the trial of such offender.

Provided that MUTINY shall not be considered one of the offences admitting of such discretionary investigation.

And that in cases where offences designated "Disgraceful Conduct" in these Articles of War, and admitting of less serious notice, shall be permitted to be tried by Regimental Courts Martial, the term Disgraceful Conduct shall be omitted in the Charge.

Offences on the Line of March or on board Vessels.

ARTICLE 66.

For offences committed on the Line of March, or on board any Ship or other Vessel, the Officer in command of the Troops is hereby authorized to try any Soldier by a Regimental, or Detachment Court Martial, and to confirm and execute the Sentence and in all cases of Mutiny or Gross Insubordination to carry the Sentence into execution on the spot; ——

Provided that such Sentence shall in no case exceed that which a Regimental Court Martial is competent to award;—and that the proceedings held in all such cases shall be specially reported for the information of the Commander in Chief.

SECTION III.

Administration of Justice.

Article 67.

Whenever any Officer or Soldier shall commit a crime deserving punishment by Court Martial, he shall, by his Commanding Officer, be put under arrest, if an Officer; or if a Soldier, be confined; until he shall be either tried by a Court Martial, or shall be lawfully discharged by a proper authority; and no Officer or Soldier who shall be put in such arrest or confinement shall continue in his confinement longer than may be actually unavoidable.

And such process of arrest or confinement or an attempt to effect such process, shall in no case be omitted where it may be practicable;—but where resistance may be made, or from other circumstances such process may be impracticable, the offender or offenders shall be liable to trial and punishment at any subsequent period, within the limitations provided in these Articles of War.

Article 68.

No person shall be liable to be tried or punished for any offence against these Articles, which shall appear to have been committed *more than three years* previous to the order directing the assembly of the Court Martial whereby he is to be tried, unless the person accused, by reason of his absenting himself, or some other manifest impediment, shall not have been amenable to justice within that period; in which case such person shall be liable to be tried, at any time not exceeding *two years* after the impediment shall have ceased.

ARTICLE 69.

Any person amenable to these Articles of War, who may commit any offence against the same, may be tried and punished for such offence in any place within the British Territories, or elsewhere, where he may have come after the commission of the offence, in the same manner as if the offence had been committed where such trial shall take place.

ARTICLE 70.

The Commander in Chief at the Presidencies of Fort William, Fort Saint George, and Bombay respectively for the time being, may appoint General or other Courts Martial, and confirm, mitigate, or remit the Sentences of such Courts; and may issue his Warrant to any General or other Officer having the Command of a Body of Troops in the service of Her Majesty or of the East India Company, empowering such Officer to appoint General, or District, or Garrison Courts Martial as occasion may require, for the trial of offences committed by any of the Officers or Soldiers or Followers in the service of the said Company, being Natives of the East Indies, or of other places within the limits of the said Company's Charter, and to confirm mitigate, or remit the Sentences of such Courts Martial.

ARTICLE 71.

A General Court Martial shall not consist of less than *thirteen* Commissioned Officers, unless it be held out of the East India Company's Territories, where such Court Martial may consist of *seven* Commissioned Officers, if a greater number cannot be conveniently assembled. And no sentence of a General Court Martial shall be put in execution until after a report shall have been made of the whole proceedings to the Commander in Chief, or to some other person duly authorized to confirm the same, and until his directions shall have been signified thereupon.

ACT No. XX. OF 1845.

Powers of a General Court Martial.

* Article 72.

A General Court Martial may sentence any Officer or Soldier to Death or Transportation, for any crimes which are by these Articles of War expressly made liable to sentence of Death or Transportation, and for such crimes only.

And when a Commissioned Officer shall be convicted of any offence, of which the punishment is not defined in these Articles of War, or is left discretionary, a General Court Martial may adjudge such Officer to be dismissed the service ;—or to be suspended from rank and pay and allowances, for a stated period ;—or to be placed lower on the list of his rank, by an alteration of the date of his Commission, thereby losing the corresponding benefit of length of service ; and the Court shall in every such sentence specify the extent or degree of suspension or reduction, which they shall so adjudge ;—or the Court may sentence such Officer to be reprimanded in such manner as the Commander in Chief may direct.

And a General Court Martial may sentence any Non-Commissioned Officer to be reduced to the ranks ;—or may sentence any Non-Commissioned Officer or Soldier to be dismissed the service ;—or to be placed lower in the list of the rank which he holds ;—or may sentence any Soldier to suffer Corporal Punishment not exceeding *Two Hundred Lashes* ;—or Imprisonment with or without hard labour not exceeding *two years* ;—and to be kept in solitary confinement for any portion or portions of such Imprisonment, not exceeding twenty-eight days at a time, nor eighty-four days in any one year, with intervals between the periods of solitary confinement, of not less duration than such periods of solitary confinement.

And

And a General Court Martial may, in addition either to Corporal punishment or to Imprisonment as aforesaid, sentence a Soldier to forfeiture of all advantage as to additional Pay and to Pension on discharge, which might have otherwise accrued from the length or nature of his former service; or to forfeiture of such advantage absolutely, whether it might have accrued from past service, or might accrue from future service, according to the nature of the case, for *disgraceful conduct.*

And a General Court Martial may, in addition to the punishment of dismissal, sentence any Officer or Soldier to forfeit his arrears of Pay and Allowances due at the time of his discharge, or such proportion thereof as may be required, to make good any loss or damage arising out of his misconduct;— And in addition to any punishment not involving dismissal from the service, may sentence any Officer or Soldier to be put under stoppages not exceeding two-thirds of his Pay and Allowances in the case of an Officer, and not exceeding half of his Pay and Allowances in the case of a Non-Commissioned Officer or Soldier, until the amount of such loss or damage be made good.

Confirmation and Commutation of Sentence by the Commander in Chief.

ARTICLE 73.

In cases wherein a Sentence of *Death* shall have been awarded by General Court Martial, for any offence against discipline for which sentence of Death is awardable under these Articles of War, the Commander in Chief may confirm such Sentence and cause it to be carried into effect, or may, instead of causing such Sentence to be carried into effect, order the offender, if an Officer, to be Transported for life, or to be dismissed, and if a Soldier to be Transported for life, or to be Imprisoned with or without Hard Labour either for life, or for a certain term of years, and with or without Solitary Confinement, to be regulated as aforesaid, as to the Commander in Chief may seem meet.

In

In cases of Commissioned Officers Sentenced to *Transportation*, the Commander in Chief may in lieu thereof order the offender to be dismissed. And in cases of Commissioned Officers Sentenced to be *Dismissed* from the service, the Commander in Chief may, in lieu of such Punishment direct, that the offender be suspended from Rank and Pay and Allowances for a certain period, to be distinctly specified by the Commander in Chief.

And the Commander in Chief may commute a Sentence of *Transportation* passed on a Soldier, to Imprisonment with or without Hard Labour, and with or without Solitary Confinement to be regulated as aforesaid; and such Imprisonment may be either for the same period for which Transportation shall have been awarded, or for any lesser period.

And the Commander in Chief may commute a Sentence of *Corporal Punishment* to Dismissal from the service; or, in the case of a Non-Commissioned Officer may mitigate such Sentence to reduction to the ranks; or in the case of a Non-Commissioned Officer or Soldier may commute such Sentence to Imprisonment without Hard Labour, and with or without Solitary Confinement (to be regulated as aforesaid,) for any period not exceeding *two years*, if the sentence shall exceed *one hundred and fifty lashes*; not exceeding *one year* if it shall exceed *one hundred lashes*; and not exceeding *six months* if it shall be *less than one hundred lashes*;—but the term of such commuted Imprisonment may be for any lesser periods respectively, at the discretion of the Commander in Chief.

In cases of Non-Commissioned Officers Sentenced to be *Dismissed* from the service, the Commander in Chief may, in lieu of such punishment, direct that the offender be reduced to the ranks, or placed lower in the list of the rank which he holds.

And in cases of offenders Sentenced to *Imprisonment with Hard Labour*, the Commander in Chief may mitigate such Sentence by causing the offender

to be reduced to the ranks, in the case of a Non-Commissioned Officer; or in the case of a Non-Commissioned Officer or Soldier by directing that he be dismissed from the service; or suffer Imprisonment without Hard Labour, and with or without Solitary Confinement, (to be regulated as aforesaid), for any period not exceeding that for which he shall have been Sentenced to such Imprisonment with Hard Labour.

ARTICLE 74.

A District, or Garrison Court Martial shall consist of not less than *Seven* Commissioned Officers, except in situations where that number cannot be conveniently assembled, when such Court may consist of not less than *Five* Commissioned Officers. And such District, or Garrison Court Martial may be composed of Officers of the same Regiment, and shall be assembled in conformity with the orders of the Commander in Chief.

And the Sentence of a District, or Garrison Court Martial shall be confirmed by the Commander in Chief, or by some Officer duly authorized to confirm the same.

Commutation of Sentence.

And the Commander in Chief is empowered to remit or mitigate or commute the Sentences of such Courts Martial, in the same manner as the Sentences of General Courts Martial; and to delegate or withhold the power to Commanding Officers of convening such Courts Martial, and of confirming, remitting, mitigating or commuting the Sentences of such Courts *(not including forfeiture of Pay or Pension or other advantage,)* as the Commander in Chief may deem to be most expedient.

And in case of any Sentence, including forfeiture of additional Pay or of Pension on Discharge, or of any prospective advantage, such Sentence shall not be carried into effect until confirmed by the Commander in Chief;

and all forfeitures of any present or prospective advantage shall be restorable by the same authority.

Powers of a District or Garrison Court Martial.

* Article 75.

A District or Garrison Court Martial may Sentence any Non-Commissioned Officer to be reduced to the ranks,—or may Sentence any Non-Commissioned Officer or Soldier to be dismissed from the Service; or to be placed lower in the list of the rank which he holds; or may Sentence any Soldier to suffer Corporal Punishment not exceeding *one hundred and fifty lashes;* or Imprisonment with or without Hard Labour not exceeding *One Year,* and to be kept in Solitary Confinement to be regulated as aforesaid.

And such Court Martial may, in addition either to Corporal Punishment or to Imprisonment as aforesaid, Sentence a Soldier to forfeiture of all advantage as to additional Pay, and to Pension on Discharge, which might have otherwise accrued from the length or nature of his former service, or to forfeiture of such advantage absolutely, whether it might have accrued from past service, or might accrue from future service, according to the nature of the case, for *disgraceful conduct.*

And such Court Martial may, in addition to the punishment of Dismissal, Sentence any Non-Commissioned Officer or Soldier to forfeit his arrears of Pay and Allowances due at the time of his discharge, or such proportion thereof as may be required to make good any loss or damage arising out of his misconduct; and in addition to any punishment not involving Dismissal from the service, may Sentence any Non-Commissioned Officer or Soldier to be put under Stoppages not exceeding half of his Pay and Allowances, until the amount of such loss or damage be made good.

ARTICLE 76.

A Regimental Court Martial shall consist of not less than *Five* Commissioned Officers, (unless it be found impracticable to assemble that number, when *Three* may be sufficient:) and shall be assembled by order of the Officer Commanding the Regiment. And no Sentence of a Regimental Court Martial shall be of force until the Commanding Officer shall have confirmed the same. Provided that such Commanding Officer shall have power to remit all Sentences whatever passed by such Court, and thereupon to cause the offender to be released and to return to his duty.

Commutation of Sentence.

And such Commanding Officer shall have power to mitigate all Sentences whatever passed by such Court; and to commute a Sentence of *Corporal Punishment* to Imprisonment without Hard Labour, and with or without Solitary Confinement, to be regulated as aforesaid, for any period for which such Court is competent to Sentence an offender to suffer Imprisonment and in the same manner; and to mitigate a Sentence of *Dismissal* in the case of a Non-Commissioned Officer, to Reduction to the Ranks;—and to commute a Sentence of *Imprisonment with Hard Labour*, or with *Solitary Confinement*, or both, to Dismissal; or to mitigate such Sentence to Reduction to the Ranks; or to Imprisonment without Hard Labour.

But no Sentence of *Corporal Punishment*, or of *Imprisonment with Hard Labour*, passed by a Regimental Court Martial and confirmed in full by such Commanding Officer, or confirmed and mitigated by him; and no Sentence of *Dismissal* confirmed, and no commutation of Dismissal for Imprisonment made as aforesaid, by such Commanding Officer, shall be carried into effect, without the sanction and authority of the Officer Commanding the Division or Field Force or District or Brigade, (being the Senior Officer on the spot) in which the Regiment may be serving; who is hereby empowered to cause such sentence to be inflicted in accordance with the confirmation thereof in full

full or in mitigated degree by the Officer Commanding the Regiment, or such Dismissal to be carried into effect, or to direct the release of the offender and his return to duty as he may deem expedient.

Provided that in detached situations, or when on service in the field, the Officer Commanding the Regiment shall have power to carry into effect any Sentence of a Regimental Court Martial, in cases where an immediate example is necessary and reference cannot be had to superior authority without detriment to the service.

Powers of a Regimental Court Martial.

* Article 77.

A Regimental Court Martial may sentence any Non-Commissioned Officer to be reduced to the ranks;—or may sentence any Non-Commissioned Officer or Soldier to be dismissed from the service,—or to be placed lower in the list of the rank which he holds—or may Sentence any Soldier to suffer Corporal Punishment not exceeding *one hundred lashes;* or Imprisonment, with or without hard labour, for any period not exceeding *six calendar months;* and to be kept in solitary confinement to be regulated as aforesaid.

Any such Court Martial may, in addition to the punishment of dismissal Sentence any Non-Commissioned Officer or Soldier to forfeit his arrears of Pay and Allowances due at the time of his discharge, or such proportion thereof as may be required to make good any loss or damage arising out of his misconduct; and in addition to any punishment not involving dismissal from the service, may Sentence any Non-Commissioned Officer or Soldier to be put under Stoppages not exceeding half of his Pay and Allowances, until the amount of such loss or damage be made good.

Article 78.

An Officer Commanding any Detachment of his own Regiment, may assemble Regimental Detachment Courts Martial;—and an Officer Commanding

manding a Detachment consisting of men of different Corps, may assemble Detachment or Line Courts Martial;—and all such Courts shall be constituted in the same manner as Regimental Courts Martial under the provisions of these Articles of War, and shall have the like powers.

And the provisions of these Articles of War relating to Courts Martial held in Regiments, shall be taken to apply to Courts Martial held in Detachments, in all practicable cases.

Provided that no Officer on detached Command of less than four Troops or Companies, or of Detachments numerically equal to four Troops or Companies, shall carry into effect any punishment awarded by a Court Martial held by his order, until the Sentence shall have been confirmed by the Officer Commanding the Regiment to which the offender belongs, or by the nearest superior Officer holding a Command of not less than a Regiment;—(who is hereby authorized to confirm the same, in like manner, as an Officer Commanding a Regiment is empowered to do, and with the same restrictions;)—Except in cases where an *immediate example* is necessary and reference cannot be made to such Commanding or Superior Officer without detriment to the Service.

ARTICLE 79.

At all Courts Martial, it shall be competent to the Officer convening the Court to instruct the Court, that, should the Prisoner be found guilty, and Imprisonment form a part of the Sentence, no portion of the Imprisonment should be Solitary;—or, should Corporal Punishment be awardable to the offender, that it shall not be awarded in the particular case; and the Court will govern itself accordingly.

Execution of Sentences of Courts Martial.

ARTICLE 80.

In every sentence of death awarded by a General Court Martial, the Court shall specify that the offender shall "suffer death by being hanged by

the neck until he be dead," or "by being shot to death," as the Court in their discretion shall deem expedient; and such sentence if confirmed, shall be carried into effect accordingly.

ARTICLE 81.

Whenever the sentence of a General Court Martial shall adjudge transportation, or sentence of death shall be commuted by competent authority to transportation, any of the Sudder Courts shall give effect to such sentence or commuted sentence, on the same being certified to the Court under the authority of the Commander in Chief.

And whenever any sentence of a Court Martial shall adjudge imprisonment with labour, or with solitary confinement, or both, or whenever the sentence of a Court Martial shall be commuted to any such imprisonment, it shall be the duty of every Judge, Magistrate, Sheriff, or other Officer in charge of a Jail, to give effect to such sentence, on the offender being delivered into his custody, and on being furnished with a copy of the sentence by the Officer Commanding the Division, Field Force, District, or Brigade, within which the trial is held.

ARTICLE 82.

Whenever any Soldier shall be sentenced to imprisonment for life, or a sentence of death shall be commuted to imprisonment for life, it shall be lawful for the Commander in Chief to order such offender to be transported beyond sea for life, unless there should be special reasons inducing the Commander in Chief to think such prisoner not a proper subject for transportation.

ARTICLE 83.

Persons sentenced to imprisonment by Courts Martial shall be imprisoned in any public prison or in any other fit place which the Commander in Chief shall from time to time direct.

ARTICLE 84.

Every Soldier sentenced to imprisonment with hard labour, shall previous to undergoing such punishment be struck off the strength of his Corps from the date of confirmation of such sentence; and no Soldier who has undergone such punishment for any period shall be capable of being re-admitted in the ranks, or of receiving pension on discharge.

ARTICLE 85.

Offenders sentenced to dismissal for *disgraceful conduct ;*

And offenders subject to Corporal Punishment or to imprisonment with hard labour for *disgraceful conduct* shall, on any such sentence being confirmed, be dismissed with ignominy.

ARTICLE 86.

In every case wherein a fine or stoppages shall be adjudged by a Court Martial, any arrears of pay or public money due to the offender, shall be available under an order from the Commander in Chief, for the payment of the amount so adjudged.

And no Soldier sentenced to pay a fine or to stoppages to make good any loss or damage arising out of his misconduct, shall be continued under forfeiture or stoppages under any one such sentence for any period exceeding one year; and no Soldier shall be at any one time placed under forfeiture or stoppages exceeding in the whole the amount of half of his Pay and Allowances, nor be liable to be put under stoppages prospectively while actually under stoppages to the amount of half of his Pay and Allowances.

Forms of Proceeding.

ARTICLE 87.

Trials by Courts Martial may be carried on between the hours of six in the morning and four in the afternoon, and not otherwise, except in cases which may require an immediate example.

ARTICLE 88.

At General Courts Martial a Judge Advocate, or an European Officer of not less than ten years service, shall be appointed to conduct the proceedings.

At all Courts Martial inferior to General, an European Officer of not less than four years standing in the service, except in cases where no Officer of that standing may be available, or the Adjutant of the Regiment, shall be appointed to conduct the proceedings.

ARTICLE 89.

An Interpreter shall be appointed to all Courts Martial; and any Interpreter available at the Station where the Court Martial may sit shall be appointed as occasion may require by the Officer Commanding at such Station, on application from the Judge Advocate or Superintending Officer at such Court Martial. But in situations where the services of an Interpreter are not available, the Superintending Officer at the Court Martial shall perform the duty of Interpreter.

ARTICLE 90.

At all Courts Martial the Senior Officer shall sit as President without being so appointed by Warrant. Provided that all Subadar Majors are to take precedence according to the dates of their Commissions, and above all Native Officers holding the rank of Subadar or Jemadar; and that Sirdar Bahadoors and Bahadoors shall rank only according to their respective Commissions of Subadar Major, Subadar, or Jemadar. Rissaldars will take rank with Subadars, and Naib Rissaldars with Jemadars, according to the dates of their respective Commissions.

In case of the death or unavoidable absence of the President, the next Senior Member shall take the place of President, and the trial shall proceed, provided

provided that the Court shall still consist of at least the number of Members of which such Court is directed to consist by these Articles of War.

ARTICLE 91.

No Finding or Sentence of a Court Martial shall be revised more than once, and no Evidence shall be received on such revision. For the purpose of such revision the President and all the Members shall be convened if possible. But if any of them should be unavoidably absent, the remaining Members may proceed with such revision, provided they are not fewer than the smallest number directed in these Articles respectively. When all the same Members do not meet, the circumstances are to be duly certified on the face of the proceedings.

Manner of Voting.

ARTICLE 92.

All the Members of a Court Martial are to preserve order, and in giving their votes upon all matters are to begin with the youngest; and in all cases where a sentence of death may not be awarded, the decision shall be by the majority of Members present, provided the number of Members present be not less than that required by the preceding Articles; but in case of an equality of votes, the decision shall be in favor of the prisoner; the President at a Court Martial shall vote with the other Members, but shall have no casting vote. Provided, that in cases of an equality of votes upon other questions than the finding and the sentence, the President shall have a casting vote.

ARTICLE 93.

No sentence of death shall be given against any offender by a Court Martial, unless two-thirds of the Members present concur therein, or four where the Court consist of five Members, or five where the Court consist of seven.

Affirmations.

ARTICLE 94.

On the assembly of a Court Martial, the Judge Advocate or Superintending European Officer shall administer to the Interpreter the following Solemn Affirmation:

"I, A. B., solemnly affirm in the presence of Almighty God, that I "will faithfully interpret and translate the proceedings of the Court, and that "I will not divulge the sentence until it shall have been published by autho- "rity; and further, that I will not disclose or discover the vote or opinion "of any particular Member of the Court unless required to give evidence "thereof by a Court of Justice or Court Martial, in due course of Law."

In case of the unavoidable absence of an Interpreter, the European Superintending Officer of a Court Martial inferior to General, shall make the Solemn Affirmation prescribed for the Interpreter.

The Judge Advocate or Superintending Officer shall then cause the following Solemn Affirmation to be made by each Member:

"I, A. B., solemnly affirm in the presence of Almighty God, that I will "duly administer justice according to the Articles of War, without partiali- "ty, favour, or affection, and, if any doubt shall arise, then, according to my "conscience, the best of my understanding, and the custom of War in the "like cases, and that I will not divulge the sentence of the Court until it "shall be published by authority; and further, that I will not disclose "or discover the vote or opinion of any particular Member of the Court, "unless required to give evidence thereof by a Court of Justice or a Court "Martial in due course of Law."

The following Solemn Affirmation shall then be administered by the Interpreter to the Judge Advocate or Superintending Officer:

I, A. B.,

" I, A. B., solemnly affirm in the presence of Almighty God, that I will " not upon any account whatsoever disclose or discover the vote or opinion " of any particular Member of the Court Martial, unless required to give " evidence thereof as a witness by a Court of Justice, or a Court Martial in " due course of law, and that I will not, unless it be necessary for the due " discharge of my official duties disclose the sentence of the Court, until it " shall be published by authority."

Provided, that it shall be necessary to re-administer these Solemn Affirmations on the commencement of fresh trials before the same Court.

ARTICLE 95.

All persons who give evidence at a Court Martial are to be examined on Oath according to the forms of their respective religions or on affirmation—and persons of the Hindoo or Mahomedan persuasion shall make Affirmation to the following effect:

" I solemnly affirm, in the presence of Almighty God, that what I shall " state shall be the truth, the whole truth, and nothing but the truth."

And if any person making such affirmation as aforesaid, shall wilfully and falsely state any matter or thing which if the same had been sworn would have amounted to perjury, every such offender shall be subject to the same punishment to which persons convicted of perjury are subject.

Summoning Witnesses not amenable to these Articles.

ARTICLE 96.

In all cases where persons required as witnesses before a Court Martial, may not be amenable to Military Law, the Judge Advocate or Commanding Officer shall transmit to the Magistrate within whose jurisdiction the witness may

may reside, his summons for the attendance of such person, and the Magsitrate shall cause the witness to be duly summoned.

Powers and Duties of Provost Marshal.

ARTICLE 97.

For the prompt and instant repression of all irregularities and crimes which may be committed by Troops in the Field and on the Line of March, Provosts Marshal shall be appointed by the Commander in Chief, and their Powers shall be regulated according to the established Usages of War and Rules of the Service; their duties are to take charge of Prisoners confined for offences of a general description; to preserve good Order and Discipline; to prevent Breaches of both, by Soldiers and Followers of the Army, and to punish on the spot, on the same day, those whom they may find in the immediate act of committing Breaches of good Order and Military Discipline; Provided, that the punishment be limited to the necessity of the case, and shall accord with the orders which the Provosts may from time to time receive from the Commander of the Forces in the Field, and whatever may be the crime, the Provost Marshal or his Assistant shall see the offender commit the act, for which summary punishment may be inflicted, or if the Provost Marshal or his Assistant should not see the offender actually commit the crime, but that sufficient proof can be established of the offender's guilt, a Report shall be made to the Commander of the Army in the field, who is hereby empowered to deal with the case as he may deem most conducive to the maintenance of good Order and Military Discipline. The duties of Provosts Marshal being limited to the punishment of offenders whom they may detect in the actual commission of any crime, the General Commanding the Forces in the Field will cause them to exercise the powers entrusted to them in such manner and under such circumstances as he may consider best calculated to prevent and instantly to repress crimes injurious to the Discipline of the East India Company's Army and the Public Service.

Trials

Trials by European Courts Martial.

ARTICLE 98.

At any Presidency where the Native Troops have hitherto been authorized to claim to be tried by European Courts Martial, every person amenable to these Articles of War, and who may be under orders for trial by a Court Martial, shall have the right to claim to be tried by European Officers; and should he make such claim, the Court, whether General, or District, or Regimental, shall be composed of European Commissioned Officers, and the number of Members and the proceedings shall be governed in all respects by the provisions of these Articles.

And it shall be competent to the Governor General of India in Council by a General Order to authorize the Native Troops of any of the Presidencies to claim to be tried in like manner by European Courts Martial.

SECTION IV.

Effects of the Dead.

* ARTICLE 99.

When any Officer or Soldier, or any person receiving public pay drawn by any Officer in charge of a Public Department belonging to the Army, may die, or be killed in the service, the Commanding Officer of the Regiment or Party, or Officer in charge of the Department, shall, if no Heir or Executor be present, secure his Effects, and direct an inventory thereof to be taken, a duplicate of which is to be lodged in the office of the Adjutant, or Officer in charge of the Department.

* ARTICLE 100.

If there be no Heir or Executor on the spot, the Effects are to be publicly sold; the Commanding Officer of the Regiment, or Party, or Officer in

charge of the Department, after discharging the debts of the deceased, viz. the expense of Funeral Ceremonies, his Debts in Camp or Quarters, and Regimental Debts of every description, shall account for the residue to the Heir or Heirs declared by Will, whether written or verbal, or nominated in the Regimental Register, or in failure of such to the legal representative of the deceased; and in the event of no Executor, Heir, or other representative of the deceased attending and establishing his claim within twelve months from the date of the casualty, the amount in the hands of the Officer having charge of the Estate, is to be remitted to the General Treasury at the Presidency.

SECTION V.

Miscellaneous.

Article 101.

The Effects of Deserters are to be publicly sold, and the proceeds after payment of Regimental Debts, remitted by the Officer Commanding the Corps to which the Deserter belongs, to the General Treasury at the Presidency.

Article 102.

All powers and provisions contained in these Articles relating to the Commander in Chief, shall be construed to extend to the Commander in Chief at any Presidency, and to the Officer Commanding the Forces for the time being at any Presidency, unless when otherwise provided.

All powers and provisions contained in these Articles relating to Soldiers, shall be construed to extend to Non-Commissioned Officers, unless when otherwise provided.

Article 103.

When any portion of the Troops belonging to one Presidency shall be serving within the limits of another Presidency, such Troops shall be considered

dered as placed, during such service, under the orders and authority of the Commander in Chief, or Commanding Officer of the Forces of the Presidency within which they are serving, for all the purposes of these Articles of War, in the same manner as though they belonged to such Presidency; and all the provisions of these Articles of War, which relate to the trial and punishment of offenders belonging to the Presidency within which the trial is held, are hereby declared applicable to the trial and punishment of offenders amenable to these Articles of War serving within such Presidency. Provided always that it shall be lawful for the Governor General in Council in his executive capacity, to direct that the Troops, or any part thereof of any Presidency, whilst serving without the limits of such Presidency shall continue under the orders and authority of the Commander in Chief, or Commanding Officer of the Forces of the Presidency to which they belong, for all purposes of these Articles.

ARTICLE 104.

Any Officer Commanding any portion of the East India Company's Troops which may at any time be serving in any place out of Her Majesty's Dominions, or of the Possessions or Territories which are or may be under the Government of the said Company, or of the Territories of those States in alliance with the said Company in which the said Company's Forces are permanently stationed, shall, upon complaint made to him of any offence committed against the property or person of any inhabitant or resident in any such countries, by any person serving with or belonging to the Company's Army, being under the immediate Command of any such Officer, summon and cause to assemble a General Court Martial, which shall consist of not less than three Officers at the least, for the purpose of trying any such person, notwithstanding any such Officer shall not have received any Warrant empowering him to assemble Courts Martial; and every such Court Martial shall have the same powers in regard to summoning and examining witnesses, trial of, and sentence upon any such offenders as are granted by these Articles to General Courts Martial; provided that no sentence of any such Court Martial

shall

shall be executed until the General Commanding in Chief the Army to which the Division, Brigade, Detachment, or Party to which any person so tried, convicted and adjudged to suffer punishment shall belong, shall have approved and confirmed the same; except where such sentence shall not exceed the powers granted by these Articles to a District, or Garrison Court Martial, in which case the Officer by whom the Court is convened is hereby authorized to confirm or commute or mitigate or remit the same; reporting the proceedings to the said General Commanding in Chief.

ARTICLE 105.

General Courts Martial only shall have the power to try Commissioned Officers; or to pass Sentence of Death or Transportation on any offenders.

ARTICLE 106.

No person, being acquitted or convicted before a Court Martial of any offence, shall be liable to be tried a second time by the same or any other Court Martial for the same offence. Provided always, that after a Soldier shall have been found guilty by a Court Martial of any military offence, such Court Martial shall inquire into and receive evidence of any previous conviction of such Soldier before a Court Martial or a Court of Justice, and shall enquire into the *general* character of such Soldier; for the purpose of affixing the punishment to which he is liable to be sentenced for the offence of which he has been so found guilty.

Provided that no such evidence shall in any case be received until the Court shall have ascertained that such Soldier had previously to his trial received notice of the intention to produce such evidence on the same. And it is hereby directed that such notice shall be given to all Soldiers previous to trial.

* ARTICLE 107.

No Non-Commissioned Officer shall be reduced to the ranks but by the sentence of a Court Martial, or by order of the Commander in Chief of the Presidency

Presidency to which the offender shall belong. Provided that no Non-Commissioned Officer shall be reduced to the ranks for any limited period; nor suspended from his rank; nor reduced from a higher to a lower grade of Non-Commissioned Officer; nor sentenced to suffer Corporal Punishment or Imprisonment, without being first reduced to the ranks.

* Article 108.

Any Officer or Soldier thinking himself wronged by his Superior or other Officer, is to complain thereof to the Commanding Officer of his Troop or Company, by whom if the grievance be not redressed, such Officer, Non-Commissioned Officer, or Soldier, may complain to the Commanding Officer of his Regiment, who is hereby required to examine into such complaint, or remit it to his superior authority as the circumstances may require; but if the complaint should appear to be frivolous or groundless, the party preferring it shall be liable to be punished according to the sentence of a General or other Court Martial in manner hereinbefore mentioned; provided that such offender shall not be liable to be sentenced to dismissal nor to suffer Corporal Punishment or Imprisonment with hard labour.

Article 109.

In case of light offences, a Commanding Officer may without the intervention of a Court Martial, award extra drill with or without pack for a period not exceeding fifteen days; restriction to Barrack limits not exceeding fifteen days; confinement in the Quarter Guard, or Defaulter's Room, not exceeding seven days; removal from Staff situations or acting appointments; or may order Soldiers to be employed in piling and unpiling shot; and in cleaning accoutrements of men in Hospital; but none of these descriptions of punishment shall be awardable by Sentence of a Court Martial. And a Commanding Officer may award solitary confinement not exceeding seven days.

Provided that Soldiers in confinement shall be liable to be ordered to attend ordinary drill.

ARTICLE 110.

Any Officer, or Soldier, who shall be taken prisoner by the Enemy, shall forfeit all claim to pay and allowances during the period of his remaining a prisoner and until he shall again return to the service; when, if he can establish, before a Court Martial, that he was unavoidably taken prisoner in the course of service, and resisted as long as he was able, and that he hath not served with or assisted the Enemy, and that he hath returned as soon as possible to the service, he shall be entitled to receive either the whole, or such portion of his arrears of pay and allowances as the Government of the Presidency to which he may belong shall determine, after the opinion or finding of such Court Martial shall have been confirmed by the Commander in Chief.

SECTION VI.

Mode of dealing with offences not Military.

ARTICLE 111.

In all places within the jurisdiction of any Civil Judicature, established by appointment of Her Majesty or of the said Company, Officers and Soldiers accused of capital crimes, or of violence, or of offences against person and property, punishable by such Civil Judicature, shall be delivered over to a Magistrate to be proceeded against according to Law.

And all Officers and Soldiers are hereby required to assist the Officers of Justice in apprehending and securing any person so accused.

Crimes

Crimes to be tried by Courts Martial where no regular Criminal tribunals exist.

ARTICLE 112.

In any place within the limits of the Charter of the East India Company, whether in or out of the British Territories, where there may be no Civil Judicature appointed by Her Majesty or the said Company for the trial of persons accused of offences ordinarily cognizable by Civil Tribunals, such offences when committed by Officers or Soldiers shall be cognizable by Courts Martial.

ARTICLE 113.

General Courts Martial shall have cognizance ordinarily, of offences punishable with Death;

Transportation for Life;

Imprisonment for Life;

Imprisonment for a period which may extend to 14 years;

Imprisonment for a period which may extend to 7 years.

ARTICLE 114.

District or Garrison Courts Martial shall have cognizance, ordinarily, of offences punishable with imprisonment for a period which may extend to three years, and, by special order, of offences ordinarily cognizable by General Courts Martial not liable to the punishment of death or transportation, with power to sentence persons convicted of such offences to imprisonment for any period not exceeding three years.

ARTICLE 115.

Regimental, Detachment, or Line Courts Martial, shall have cognizance, ordinarily, of offences punishable with imprisonment for a period not exceeding

ing six calendar months, and, by special order, of offences ordinarily cogniz able by District or Garrison Courts Martial, with power to sentence persons convicted of such offences to imprisonment for a period not exceeding six calendar months.

General Courts Martial.

Punishment of Death.

ARTICLE 116.

Any Officer or Soldier who shall be convicted by a General Court Martial of the crime of "Murder" shall be sentenced to suffer death by being hanged by the neck until he be dead.

If any injury intended against one person shall, through mistake or accident, light upon another person, and kill him, such killing shall be deemed to be murder, whensoever it would have been murder had the person against whom such injury was intended been killed.

Whensoever death shall result from any injury wilfully caused by an offender, but without his intending such injury to light on any person in particular, such offender shall be guilty of murder, if the offence would have been murder had he intended to do the injury to the person killed.

Offences punishable by Transportation for Life.

ARTICLE 117.

Any Officer or Soldier who shall be convicted by a General Court Martial of any of the offences hereinafter mentioned, accompanied with an attempt

attempt to commit murder, or with wounding or other Corporal injury to any person endangering the life of such person: That is to say,

1st.—Breaking or attempting to break by day or night into any Dwelling House, Tent, Boat, or other habitation, or into any building or place used for the preservation of property, with the intent to rob or steal.

2nd.—Robbery or attempt to rob.

3rd.—Stealing or attempting to steal in a house, or from the person:—

Shall be Sentenced by such General Court Martial to imprisonment with or without hard labour and transportation for life.

Offences punishable by Imprisonment which may extend to 14 *years.*

ARTICLE 118.

Any Officer or Soldier who shall be convicted by a General Court Martial of any of the offences specified in the last Article, accompanied with wounding or other Corporal injury to any person not endangering the life of such person; —— or

ARTICLE 119.

Of wounding with intent to murder, whether the person wounded be the person whom the offender intended to murder or another; —— or

ARTICLE 120.

Of Robbery by open violence or Dacoity, that is to say, going forth in the day or in the night with an offensive weapon, or in a gang with or without an offensive weapon, with the intention of committing robbery, and by force or intimidation robbing or attempting to rob any person in any place, or attacking by open violence any house or place of habitation, or any place in which property may be kept, for the purpose of robbery; —— or

ARTICLE 121.

Of breaking or attempting to break into any Dwelling House, Tent, Boat, or other place of habitation, between sunset and sunrise, with intent to rob or steal; —— or

ARTICLE 122.

Of breaking into any such place of habitation, or into any place used for the preservation of property, and stealing therefrom property the value of which shall exceed 100 Company's Rupees; —— or

ARTICLE 123.

Of purchasing or receiving plundered or stolen property knowing it to have been obtained by robbery, by open violence, or by theft or robbery aggravated as described in Article 118 or Article 119;—

Shall be sentenced by such General Court Martial to imprisonment with or without Hard Labour for a period not exceeding 14 years.

Offences punishable by Imprisonment not exceeding 7 years.

ARTICLE 124.

Any Officer or Soldier who shall be convicted by a General Court Martial of culpable Homicide not amounting to wilful murder; —— or

ARTICLE 125.

Of premeditated affray, attended with Homicide, or severe wounding, or other aggravating circumstance; —— or

ARTICLE 126.

Of intentionally wounding, maiming, or otherwise doing Corporal injury to any person; —— or

ARTICLE 127.

Of accidentally wounding, maiming, or otherwise doing corporal injury to any person with the intention of doing such injury to another person; —— or

ARTICLE 128.

Of breaking into any Dwelling House, Tent, Boat, or other place of Habitation, or into any place used for the preservation of property, between sunrise and sunset, with intent to steal therein; —— or

ARTICLE 129.

Of stealing from any habitation, or from any person, any property exceeding Three Hundred Company's Rupees in value; —— or

ARTICLE 130.

Of having purchased any property so stolen exceeding in value Three Hundred Company's Rupees, knowing it to have been stolen; —— or

ARTICLE 131.

Of Arson; —— or

ARTICLE 132.

Of an unnatural crime; —— or

ARTICLE 133.

Of Rape; —— or

ARTICLE 134.

Of enticing and taking away, or of causing to be enticed or taken away for any unlawful purpose, any unmarried woman under the age of 15 years; —— or

ARTICLE 135.

Of stealing a child under the age of 8 years:—

Shall be Sentenced by such General Court Martial to suffer imprisonment with or without Hard Labour, for any period not exceeding seven years.

District or Garrison Courts Martial.

Offences punishable by Imprisonment not exceeding 3 years.

ARTICLE 136.

It shall be competent to the Commander in Chief, and to any Officer having authority to convene District or Garrison Courts Martial, to cause offenders, not being Commissioned Officers, accused of any of the offences specified in the preceding Articles of War, for which the punishment of Death or Imprisonment or Transportation for Life is not provided therein, to be tried for such offences before a District, or Garrison Court Martial, and such Court shall have power, on conviction, to sentence any such offender to Imprisonment with or without Hard Labour for any period not exceeding three years.

ARTICLE 137.

Any Officer or Soldier who shall be convicted by a General, District, or Garrison Court Martial, of stealing from any habitation, or from the person, any property, of value not exceeding three Hundred Company's Rupees but exceeding Fifty Company's Rupees; —— or

ARTICLE 138.

Of having purchased or received any stolen property of value not exceeding Three Hundred Company's Rupees, knowing it to have been stolen but not under aggravating circumstances; —— or

ARTICLE 139.

Of having stolen property in his possession, and of having kept possession of such property after becoming aware of its having been stolen:—

Shall be sentenced by such Court to suffer Imprisonment with or without Hard Labour for any period not exceeding three years.

Regimental, Detachment, or Line Courts Martial.

Offences punishable by Imprisonment not exceeding six months.

ARTICLE 140.

It shall be competent to any Officer having authority to convene a Court Martial, to cause offenders, not being Commissioned Officers, accused of any of the offences specified in the preceding Articles of War, for which no punishment exceeding Imprisonment with Hard Labour for three years is therein provided, to be tried before Regimental or Detachment, or Line Courts Martial, and any such Court shall have power, on conviction, to sentence any such offender to suffer Imprisonment with or without Hard Labour for any period not exceeding six calendar months.

Offences punishable by Imprisonment from six months to one year, according to the description of Court.

ARTICLE 141.

Any Officer or Soldier who shall be convicted of stealing property to the value of Fifty Company's Rupees, or of less value; —— or

ARTICLE 142.

Of Assault or Affray, unattended with homicide, severe wounding, or aggravating circumstances;—

Shall be sentenced to suffer Imprisonment with or without Hard Labour, for any period not exceeding one year, by the award of a General, or District, or Garrison Court Martial; or, for any period not exceeding six calendar months, by the award of a Regimental, or Detachment, or Line Court Martial.

Offences punishable by Imprisonment from six months to two years, according to the description of Court.

ARTICLE 143.

Any Officer or Soldier who shall be convicted of resisting the process of a Magistrate or Police Officer; ——or

ARTICLE 144.

Of having committed any offence against person or property for which provision is not already made in the preceding Articles of War;—

SHALL be sentenced to suffer Imprisonment for any period not exceeding two years, by the award of a General Court Martial; not exceeding one year, by the award of a District, or Garrison Court Martial; and not exceeding six calendar months, by the award of a Regimental, or Detachment, or Line Court Martial.

ARTICLE 145.

Any Officer or Soldier who shall be convicted by a General, or District, or Regimental Court Martial, of having been present aiding and abetting, or of having caused, instigated, or procured, the commission of any of the offences specified in any of the preceding Articles, shall be sentenced by such

Court

Court to the punishment therein provided for such offence, and awardable by General, or District, or Regimental Courts Martial, respectively.

ARTICLE 146.

No sentence of death shall be carried into effect until confirmed by the Commander in Chief, nor, if the trial shall have been held within the British Territories forming part of either of the Presidencies of Fort William, Fort St. George, and Bombay, respectively, until such confirmation shall have been concurred in by the Government of the Presidency where such trial shall have been held.

ARTICLE 147.

The Commander in Chief is authorized at his discretion to confirm any sentence of death, or to remit such sentence, or to commute it into imprisonment with hard labour and transportation for life, or into imprisonment with hard labour for any term of years.

ARTICLE 148.

No sentence of transportation shall be carried into effect until confirmed by the Commander in Chief, and the Commander in Chief is authorized at his discretion to confirm any such sentence, or to commute it into imprisonment with or without hard labour for any period of time.

ARTICLE 149.

It shall be competent to any Officer having authority to confirm the sentence of a General or other Court Martial to remit any sentence passed by such Court Martial, or to mitigate such sentence by substituting simple imprisonment for imprisonment with hard labour, or by reducing the period of imprisonment, or by directing the discharge of the offender in lieu of any imprisonment.

ARTICLE 150.

But no sentence of imprisonment with hard labour, passed by a Regimental, or Detachment, or Line Court Martial, and confirmed either in whole or in part by the Commanding Officer; and no award of discharge substituted for other punishment, as aforesaid, by such Commanding Officer; shall be carried into effect without the sanction and authority of the Officer Commanding the Division or Field Force, or District, or Brigade, (being the senior Officer on the spot,) in which the offender may be serving or of the senior Officer on the spot in the field.

ARTICLE 151.

A person who may have been tried for any offence by a Court Martial under the authority of these Articles of War, shall not be tried for the same in any other Court whatsoever, and no person who shall have been acquitted or convicted of any offence by a Court of Civil Judicature shall be punished by a Court Martial for the same, otherwise than by Cashiering or Dismissal from the service.

ARTICLE 152.

The Regulations at present in force at any Presidency, by which the office and powers of Commissariat Officers, or Officers in charge of the Police, or Superintendents of Bazars, are defined and controuled; or by which Punchayets are constituted and guided; or by which jurisdiction is given to Courts Martial over offences committed by persons amenable to the Articles of War, within certain limits beyond or around Cantonments; are hereby declared to be in full force, and the same shall continue to be observed at the several Presidencies respectively.

SECTION VII.

Application of the Articles.

ARTICLE 153.

All Officers and Soldiers, all Drivers, Farriers, Trumpeters and Drummers; all Hospital Attendants, Sub-Assistant Surgeons, Native Doctors, and Dressers; all Artificers and Labourers, Suttlers, Followers, public and private, or others attached to or serving with any part of the Army, are to be governed by these Articles and subject to trial by Courts Martial.

Provided, that persons of European descent, (whether on the side of their father or mother) professing the Christian religion, shall not be amenable to these Articles; but if belonging to the descriptions mentioned in this Article, (and not being Her Majesty's natural born subjects born in Europe, or the children of such subjects,) shall be tried and punished in the same manner as persons are who are subject to the Mutiny Act and Articles of War in force for the better government of the Officers and Soldiers in the European Service of the East India Company.

Promulgation of the Articles.

ARTICLE 154.

These Articles are to be translated into the several languages of the different Presidencies, and the parts following, viz. the second Section, together with the following Articles in other Sections which are marked with an * (Asterisk) viz. 2, 4, 72, 75, 77, 99, 100, 107, and 108, are to be read once every six months at the head of every Regiment, Troop or Company mustered in the service, and to every Recruit at the period of his enlistment.

Calcutta, 1845.—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XXI. OF 1845.

Passed by the Governor General of India in Council on the 13th September, 1845.

An Act respecting the appointment and powers of Agents for the suppression of Meriah Sacrifices in the Hill Tracts of Orissa.

I. IT is hereby enacted, that it shall be lawful for the Governor General in Council, by an Order in Council, to remove from the jurisdiction and superintendence of the Commissioner and Superintendent of Tributary Mehals in Cuttack, any of the Tributary Estates specified in Section 2, Regulation II. of 1816 of the Bengal Code, and to place any such Estates under the jurisdiction and superintendence of such Officer (to be called the Agent for the Suppression of Meriah Sacrifices) and his subordinates, as shall from time to time be appointed by the Government of Bengal in that behalf.

II. And it is hereby enacted, that it shall be lawful for the Governor General in Council, by an Order in Council, to remove from the jurisdiction and superintendence of the Agent to the Governor General, South West Frontier, any portion of the tracts of Country, comprized in that Agency, and to place any such portion under the jurisdiction and superintendence of such Officer (to be called the Agent for the Suppression of Meriah Sacrifices) and his

his subordinates, as shall from time to time be appointed by the Governor of Bengal in that behalf.

III. And it is hereby enacted, that it shall be lawful for the Governor General in Council, by an Order in Council, to remove from the jurisdiction and superintendence of the Collectors of Ganjam or Vizagapatam, exercised by them as Agents to the Governor of Fort St. George under Act XXIV. of 1839, any portion of the tracts of Country specified in Section II. of the said last mentioned Act, and to place any such portion under the jurisdiction and superintendence of such Officer (to be called the Agent for the Suppression of Meriah Sacrifices) and his subordinates, as shall from time to time be appointed by the Government of Fort St. George in that behalf.

IV. And it is hereby enacted, that it shall be lawful for the Governor General in Council, by an Order in Council, to remove from the operation of the General Regulations and Laws any portion of Zillah Rajamundry, and to place any such portion under the jurisdiction and superintendence of such Officer (to be called the Agent for the Suppression of Meriah Sacrifices) and his subordinates, as shall be appointed by the Government of Fort St. George in that behalf.

V. And it is hereby enacted, that all such Agents and their subordinates as shall be appointed under this Act, shall in the exercise of their jurisdiction and superintendence, be guided by such instructions as they may from time to time receive from the Government of India through their respective Governments.

VI. And it is hereby enacted, that it shall be competent to the Governor General in Council, through the Governments of the aforesaid Presi-

dencies

dencies respectively, to prescribe such Rules as he may deem proper for the guidance of such Agents and subordinates, and to determine to what extent the decision of the said Agents in Civil Suits shall be final, and in what Suits an appeal shall lie to the Sudder Court, and to define the authority to be exercised by the said Agents in Criminal trials, and what Criminal cases they shall submit for the decision of the Sudder Court.

Calcutta, 1845 :—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XXII. OF 1845.

Passed by the Governor General of India in Council on the 20th September, 1845.

An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.

I. WHEREAS it is expedient that the Governor General should visit the North Western Provinces and other parts of India unaccompanied by any Member of the Council of India, it is enacted that during the absence of the Governor General from the Council of India, it shall be lawful for the Governor General alone to exercise all the powers which may be exercised by the Governor General in Council, except such powers as may by a Resolution of the Governor General in Council be exercised by the President in Council during the absence of the Governor General, and except the power of making Laws and Regulations.

II. And it is further enacted, that this Act shall commence from the day on which it shall be notified by an Order published in the Official Gazette, that the Governor General has quitted Calcutta for the purpose of so proceeding as aforesaid.

Calcutta, 1845 :—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XXIII. OF 1845.

Passed by the Hon'ble the President of the Council of India in Council on the 22d November, 1845, *with the assent of the Right Hon'ble the Governor General of India.*

An Act to enable "The Union Bank of Calcutta" to sue and to be sued in the name of the Secretary or of the Treasurer of the said Company.

WHEREAS by and under a certain Deed of Partnership or Association or an Agreement in writing of that nature bearing date the First day of August 1839, several persons have formed themselves into a certain Company or Co-partnership by the name of "The Union Bank of Calcutta," by which said Deed or Agreement it was and is provided (amongst other things) that the business of the said Company should consist in issuing Promissory Notes payable to bearer on demand at their Office in Calcutta for any sum of not less than Eight Company's Rupees, and not exceeding One Thousand Company's Rupees, and Bills of Exchange payable at such time after date or sight as the Directors for the time being should fix to parties who should require the same and deposit the amount of such Bills in the said Bank, which deposit should bear interest at such rate as the Direc-

tors should fix, and also in discounting Bills and Promissory Notes not having a longer period to run than four months from the time of discounting the same respectively, and also in lending money on the Security of personal property for any period not exceeding four months, or in cash accounts to persons depositing undoubted Security, such accounts to be settled at the end of every three months, and in all other branches of business usually transacted by Bankers in Calcutta, and by which said Deed or Agreement it was and is further provided, that the Capital Stock and Fund of the said Company should amount to the sum of 10,00,000 of Company's Rupees, with certain provisos for increasing the same when and if it should be deemed expedient. And whereas difficulties have arisen and may hereafter arise in recovering debts and monies due to the said Company called "The Union Bank of Calcutta," and in maintaining actions for damages done to the same Company, or to the property of the said Union Bank since by law all the Members for the time being of the said Company must be named in every action or suit carried on for such purpose. And whereas it would be convenient that persons having demands against the said Company should be entitled to sue one of the two Officers hereinafter mentioned or described in that behalf; therefore for obviating and removing the difficulties aforesaid—It is hereby enacted, that from and after the passing of this Act, all actions, suits and other proceedings whatsoever, at Law or in Equity, for any injury or wrong done to any real or personal property of the said Union Bank, in whomsoever the same may for the time being be vested whether in the said Company, or in some person or persons in trust for the said Company, or upon or in respect of any present liability or liabilities to the said Union Bank, or to any person or persons in trust for the said Union Bank, or upon any Bonds, Covenants, Contracts or Agreements which already have been or hereafter shall be given or entered into with the said Company, or to or with any person or persons whomsoever in

trust

trust for the said Union Bank, or wherein the said Union Bank is or shall be interested, and also all instruments and petitions to found any adjudication of Insolvency in any Court for the Relief of Insolvent Debtors against any person or persons indebted to the said Union Bank, and liable to have been made Insolvent by the Laws now or at any time hereafter in force relating to Insolvents in the East Indies, and generally all other proceedings whatsoever at Law or in Equity to be commenced, instituted or carried on by or on behalf of the said Union Bank, or wherein the said Union Bank is or shall be concerned or interested against any person or persons, body or bodies, politic or corporate, or others, whether such person or persons, body or bodies, politic or corporate, is or are or shall then be a Member or Members, Proprietor or Proprietors of, or in the said Union Bank, or not, shall and lawfully may be commenced, instituted, presented and prosecuted, or carried on in the name of the person who shall be the Secretary, or of the person who shall be the Treasurer of the said Union Bank at the time such action, suit or proceeding shall be commenced or instituted as the nominal plaintiff or petitioner for or on behalf of the said Union Bank, and all actions, suits and proceedings at Law or in Equity, as well for subsisting as future accruing claims, debts or demands to be commenced or instituted against the said Union Bank by any person or persons, body or bodies, politic or corporate, whether such person or persons, body or bodies, politic or corporate, is or are, or shall then be a Member or Members, Proprietor or Proprietors of, or in the said Union Bank or not, shall be commenced, instituted and prosecuted against the said Secretary for the time being of the said Union Bank, or of the said Treasurer for the time being of the said Union Bank, as the nominal defendant, respondent or defender for and on behalf of the said Union Bank, and the death, removal, resignation or any other act of such Secretary or Treasurer, or the Bankruptcy or Insolvency of such Secretary or Treasurer shall not abate or prejudice any action, suit or other

proceeding

proceeding at Law or in Equity commenced under this Act, but the same may be continued, prosecuted and carried on or defended in the name of any other the Secretary or Treasurer for the time being of the said Company.

II. And it is hereby enacted, that from and after the passing of this Act in all indictments, informations and other criminal proceedings brought, instituted or carried on by, or on the behalf of the said Union Bank for fraud or injury upon or against the said Union Bank, or for any felonies, taking, stealing or embezzlement, damaging or destroying, or for any offence whatever relating to any Money, Notes, Bills, Effects, Securities, or any real or personal property of the said Union Bank, or for any other offence against the said Union Bank, it shall be lawful to state such Money, Notes, Bills, Effects and Securities, and other real and personal property in whomsoever the same may be vested whether in the said Union Bank, or in some person or persons in trust for the said Union Bank, to be the Money, Notes, Bills, Effects and Securities, or property of the said Union Bank, or of such Secretary or Treasurer for the time being of the said Union Bank; and any offence committed with intent to injure or defraud the said Union Bank, shall and lawfully may in such prosecution be laid to have been committed with intent to injure or defraud the said Union Bank, or such Secretary or Treasurer for the time being of the said Union Bank, and any offender or offenders may hereupon be lawfully convicted of any such offence, and in all other allegations or indictments, informations, or other proceedings in which before the passing of this Act, it would have been necessary to state the names of the persons composing the said Union Bank, it shall be lawful and sufficient to state the name of such Secretary or Treasurer, and the death, resignation or removal of such Secretary or Treasurer, shall not abate or render defective or in any wise affect

affect or prejudice such indictments, informations or other criminal proceedings.

III. And it is hereby further enacted, that no action which may be commenced against the said Union Bank, or the Secretary or Treasurer for the time being of the said Union Bank, upon or arising out of any contract entered into by or on behalf of the said Union Bank, shall be in any wise affected or defeated by, or by reason of the plaintiff or plaintiffs therein, or of any other person or persons who may be in any wise interested or concerned in such action being a Member or Members of, or a Shareholder or Shareholders, or a Partner or Partners in the said Union Bank, but any Member or Members, or Shareholder or Shareholders of, or Partner or Partners, in the said Union Bank, shall and may have the same right of action and remedy to be proceeded in and enforced in the same manner against the said Union Bank, or the Secretary or Treasurer for the time being thereof, upon any contract, and for any debt, damage or demand whatsoever which he or they might have had if he or they had been a stranger or strangers, and not a Member or Members, Shareholder or Shareholders, Partner or Partners of, or in the said Union Bank.

IV. And it is hereby further enacted, that no action commenced by or on behalf of the said Union Bank in the name of the Secretary or Treasurer for the time being thereof, by virtue of this Act upon, or arising out of any contract whatsoever entered into by or on behalf of the said Union Bank, or for the recovery of any debt or demand whatsoever due or owing to the said Union Bank, or for any other cause or any other account shall be in any wise affected or defeated by or by reason of the defendant or defendants therein, or any person or persons who may be in any wise interested or concerned in such action being a Member or Members,

Shareholder or Shareholders, or Partner or Partners of or in the said Union Bank, but the said Union Bank shall and may have the same right of action and remedy to be proceeded in and enforced in the same manner against any Member or Members, Shareholder or Shareholders thereof either alone or jointly with any other person or persons upon any contract, and upon and for any debt, damage or demand whatsoever which the said Union Bank might have had if such cause of action had arisen with a stranger or strangers, and not with a Member or Members, or Shareholder or Shareholders, or Partner or Partners of or in the said Union Bank.

V. And it is hereby further enacted, that the Directors of the said Union Bank shall cause a Memorial in the form and to the effect expressed in the Schedule to this Act, or as near thereto as the circumstances of the case will admit of the name, residences and descriptions of the Directors, Secretary and Treasurer, and of the several persons being Members and Proprietors of the said Union Bank, to be verified by a declaration in writing to be made before the Master in Equity of Her Majesty's Supreme Court of Judicature at Fort William in Bengal, by the Secretary or some one of the said Directors for the time being, and the same shall be enrolled amongst the records of the said Supreme Court within 12 Calendar months next after the passing of this Act; and whenever any new Director or Directors, or Secretary or Treasurer shall be elected a like Memorial shall be verified and enrolled as aforesaid specifying in whose place or places he or they shall be appointed within 12 Calendar months after such appointment, and whenever any person or persons shall cease or discontinue to be a Proprietor or Proprietors of the said Union Bank a Memorial of his, her or their names shall be in like manner verified within 12 Calendar months after such person or persons shall have so ceased or discontinued to be such Proprietor or Proprietors in the Form expressed in

the

the said Schedule for that purpose ; and when any new Proprietor or Proprietors shall be admitted into the said Union Bank a Memorial of his, her or their names shall be in like manner verified and enrolled among the records of the said Supreme Court of Judicature within 12 Calendar months afterwards according to the Form in the said Schedule. Provided always that if any declaration so made shall be false or untrue in any material particular the person wilfully making such false declaration shall be guilty of a misdemeanor.

VI. And it is hereby further enacted, that until such Memorial as first hereinbefore mentioned shall have been deposited and enrolled as hereinbefore directed no action or suit shall be brought by the said Union Bank under the authority of this Act, and until the Memorial by this Act required to be deposited and enrolled in the event of any person or persons ceasing or discontinuing to be a Director or Secretary or Treasurer or Member of the said Union Bank, shall have been deposited and enrolled as hereinbefore mentioned, the person or persons whose names shall appear in the last Memorial which shall have been made and enrolled shall be and are hereby declared to be liable to all such actions, suits, and executions upon judgment or decree and other proceedings under this Act in the same manner as if he, she, or they had not ceased or discontinued to be a Director, Secretary, or Treasurer, or Proprietor of the said Union Bank.

VII. And it is hereby further enacted, that an examined copy of every Memorial to be deposited and enrolled pursuant to this Act, certified to be a true copy by and under the hand and signature of the Keeper of Records and Muniments for the time being of the said Supreme Court of Judicature shall be received in evidence as proof of the contents of such Memorial, and proof shall not be required that the person by whom the

Memorial

Memorial purports to be verified was, at the time of such verification, one of the Directors of the said Union Bank.

VIII. And it is hereby further enacted, that all and every judgment and judgments, decree and decrees, order and orders, made or pronounced in any action, suit, or proceedings in any Court of Law or Equity within the limits of the Territories of the East India Company against the Secretary or Treasurer for the time being of the said Union Bank shall subject to the express provisions of this Act have the like effect and operation upon and against the property and funds of the said Union Bank as if such judgment, decree or order had been made or pronounced against all the Members of the said Union Bank, and as if all the Members of the said Union Bank had been parties before the Court to such action, suit and proceedings, and as if this Act had not passed.

IX. Provided always and it is hereby further enacted, that in case execution upon any judgment or decree in any such action or suit obtained against the Secretary or Treasurer of the said Union Bank as defendant or respondent or otherwise shall have been issued and taken out against the funds and property of the said Union Bank under the Provisions of this Act, and shall be ineffectual for obtaining full payment and satisfaction for the sum or sums sought to be recovered, then and in such case execution upon any such judgment or decree shall be issued against any other Individual, Proprietor or Proprietors of the said Union Bank successively as it may become necessary to enforce payment and satisfaction of the said judgment or judgments. Provided also that every such Secretary or Treasurer in whose name any such action or suit shall be commenced, prosecuted or defended, and every Director or Member against whom execution upon any judgment or decree obtained in any such action or suit shall be issued as aforesaid, or as hereinafter

mentioned

mentioned shall always be reimbursed and paid out of the funds or property of the said Union Bank all such loss, damages, costs and charges as by the event of any such proceedings he or they shall be put unto or become chargeable with, and if the funds or property of the said Union Bank shall be insufficient to pay the said loss, damages, costs or charges then the deficiency shall be made good by the Proprietors for the time being of the said Union Bank. Provided also, that if any such execution against the Secretary or Treasurer or Member or Members for the time being of the said Union Bank shall be ineffectual for obtaining payment of the sum or sums sought to be recovered thereby, it shall be lawful for the party or parties so having obtained judgment or decree against the Secretary or Treasurer for the time being of the said Union Bank to issue execution against any other person or persons who was or were a Member or Members thereof at the time the Contract or Contracts was or were entered into upon which such action or suit was or were instituted, but no such execution shall be issued against any other person than the actual party to the action or suit without leave first granted in open Court by the Court in which such action or suit may have been brought or instituted, and when motion shall be made or notice to the person or persons sought to be charged. Provided also, that nothing herein contained shall render such past Members or Proprietors liable for payment of any debt or claim for which such action, suit or proceedings may have been brought to which they would not have been liable by operation of law as Partners in case any action or other proceeding had been originally brought against them for the same.

X. And whereas it is expedient that every Member of the said Union Bank against whom any execution shall be issued upon any judgment or decree under the authority of this Act should have an easy and

expeditious mode of recovering all such losses, damages, costs and charges as he or she shall be put to or become chargeable with in consequence thereof. It is therefore hereby enacted, that if any execution upon any judgment or decree obtained in any action, suit or proceeding under this Act shall be issued against any other Proprietor or Member of the said Union Bank, and such Proprietor or Member shall not within the space of one month next after the issuing thereof be reimbursed out of the funds or property of the said Union Bank, all such monies, costs, charges, losses and expences as he or she shall have paid or been put to or become chargeable with in consequence of such execution having been issued against him or her, it shall be lawful for such Member or Proprietor to divide such monies or cost or charges, or so much thereof as he or she shall not have been reimbursed as aforesaid into as many equal parts or shares as the Capital of the said Union Bank shall at that time be divided into, and each and every Proprietor for the time being of any share or shares in the said Company shall in proportion to the number of shares which he or she may hold in the said Union Bank pay one or more of such parts or shares upon demand to the Member or Proprietor against whom such execution shall have issued, or to his or her Executors or Administrators, and upon the neglect or refusal of any Proprietor of the said Company to pay upon demand his or her due and fair proportion of such monies, costs and charges, then and in such case it shall be lawful for the Proprietor, or such person to whom the same ought to have been paid, to sue for and recover the same in and by action, suit or plaint against the Proprietor, or the Executors or Administrators of any Proprietor who shall so neglect or refuse as aforesaid in Her Majesty's Supreme Court of Judicature in Calcutta.

XI. And it is hereby enacted, that the Secretary or Treasurer for the time being of the said Union Bank, or any Member of the said Union

Bank

Bank being the plaintiff, appellant, petitioner or prosecutor, or being the defendant or respondent in any action, suit, petition, proceeding, prosecution or indictment commenced, instituted or prosecuted in the Courts, and within the limits aforesaid by or against the said Union Bank, shall not by reason thereof be deemed incompetent to be a witness in any such action, suit, petition, proceeding, prosecution or indictment ; but such Secretary or Treasurer, or Member of the said Union Bank as aforesaid shall and may if not otherwise interested or objectionable be a good and competent witness, and be admissible and be admitted as such in all the Courts above mentioned, and by and before all Judges, Justices and others, within the limits aforesaid in any such action, suit, petition, proceeding, prosecution or indictment in the same manner as he or they might have been if his or their name or names had not been made use of as the plaintiff or appellant, petitioner or prosecutor, defendant or respondent in any such action, suit, petition, proceeding, prosecution or indictment or other proceeding.

XII. And it is hereby further enacted, that any individual Member or Members of the said Union Bank, or person or persons who shall have been a Member or Members of the said Union Bank, and have parted with his, her or their shares and interests therein, and who shall claim payment of any dividends of the funds or profits of the said Union Bank due and payable to him, her or them, and not also disposed of and parted with along with such share or shares, or any other right or interest against the said Union Bank generally, shall and lawfully may commence and carry on in any Court of Equity within the limits aforesaid any suit or other proceeding against the Secretary or Treasurer of the said Union Bank for the time being, and in like manner such Secretary or Treasurer for the time being may commence and carry on in his own name by and on behalf of the said

Company

Company any suit or other proceeding in any Court of Equity within the limits aforesaid against any individual Member or Members of the said Union Bank, or person or persons who shall have been a Member or Members of the said Union Bank, and have parted with his, her or their shares and interests therein against whom the said Union Bank generally may have any claim or demand, and all such suits and other proceedings shall be as valid and effectual as if all the Members of the said Union Bank had been made parties, and every decree and order made therein shall be binding for or against the said Union Bank, and no abatement shall arise from the death, resignation or removal, or any act or proceeding of any such Secretary or Treasurer pending the suit, nor shall such suit be deemed defective by reason thereof. Provided always that in case for the purpose of discovery or for any other purpose, any person or persons (whether Members of the said Union Bank or not) having claims or demands against the said Union Bank shall be desirous to include any other Member or Members of the said Union Bank, besides the Secretary or Treasurer for the time being as a defendant or defendants in any Bill or other proceeding in any Court of Equity within the limits aforesaid, it shall be lawful for him, her or them so to do—any thing in this Act contained to the contrary notwithstanding.

XIII. And it is hereby further enacted, that no person or persons, body or bodies, politic or corporate, having or claiming to have any demand upon or against the said Union Bank shall when the same has been so determined as to have been pleadable in bar against such person or persons, body or bodies, politic or corporate, bring more than one action or suit in respect of such demand, and the proceedings in any action or actions, suit or suits which may have been brought against the Secretary or Treasurer for the time being of the saidUnion Bank under the authority of this Act if so determined, may be pleaded in bar of any action or actions, suit or suits in

any

any of the Courts aforesaid for the same cause against any other Secretary or Treasurer, or against any Member of the said Union Bank, and that in case of any demand which the said Union Bank now has or hereafter may have upon or against any person or persons, body or bodies, politic or corporate, whether a Member or Members of the said Union Bank or not, and which shall have been determined in any action or suit, commenced or prosecuted by the Secretary or Treasurer for the time being of the said Union Bank, the proceedings in such action or suit may be pleaded in bar of any other action, or suit, or actions, or suits in any of the Courts aforesaid for the same demand which may be commenced or prosecuted by the same, or any other Secretary or Treasurer of the said Union Bank.

XIV. Provided always and it is hereby further enacted, that nothing in this Act contained shall extend, or be construed to extend to incorporate the said Union Bank, or to relieve or discharge the said Union Bank from any responsibility, contract, duty, or obligation whatever to which by law they now are or at any time hereafter may be subject or liable, either as between the said Union Bank and other parties, or as between the said Union Bank and any of the individual Members of the said Union Bank, or any of them and others, or amongst themselves, or in any manner whatsoever.

XV. And it is hereby further enacted, that this Act and the provisions herein contained shall extend and be construed to extend to the said Company called the Union Bank at all times during the continuance thereof, whether the said Union Bank hath been or be now or shall hereafter be composed of all, or of some of the persons who were the original Members thereof, or of all or some of those persons, together with some other person or persons, or whether the said Union

Bank be at the time of the passing of this Act, composed altogether of persons who were not original Members of the said Union Bank, or whether the said Union Bank shall hereafter be composed of persons who were not original Members thereof, or of persons all of whom shall become Members subsequently to the passing of this Act.

THE SCHEDULE REFERRED TO IN THIS ACT.

Original Memorial of Directors to Secretary and Members.

Memorial made the day of of the names of the present Directors, Secretary, Treasurer and Members of the "Union Bank of Calcutta," pursuant to an Act of the Legislative Council of India passed in the year of Christ 1845, intituled "an Act to enable the Union Bank of Calcutta to sue and to be sued in the name of the Secretary or of the Treasurer of the said Company."

C. D. of
and
E. F. of } Directors.

G. H. Secretary.

I. J.
K. L., &c. } Proprietors.

I, C. D., one of the Directors or Secretary of the Union Bank, do solemnly and sincerely declare that the above written Memorial doth contain the names of the present Directors, Secretary, Treasurer and of all the present Proprietors of the said Union Bank as the same appear in the books of the said Union Bank, and make this solemn declaration conscientiously believing

believing the same to be true and by virtue of the provisions of the Act substituting declarations in lieu of Oaths and Affirmations.

(Signed) C. D.

Declared, &c. before me,
Master of the Supreme
Court of Judicature,

In the case of change of Directors or Secretary.

Memorial made the day of of the names of the new Directors or Secretary of "The Union Bank," and of the persons in whose places they have (or he has) been appointed pursuant to an Act passed in the year of Christ 1845, intituled, &c.

E. F. of Director in the place of A. B.

G. H. of Secretary in the place of C. D.

I, E. F., one of the Directors, Treasurer or Secretary of the said Union Bank, do solemnly and sincerely declare that the above written Memorial contains the names of the new Secretary or Treasurer or Directors of the said Union Bank, and of the persons in whose place they have (or he has) been appointed as the same appear in the books of the said Union Bank, and I make this solemn declaration, &c. (as before.)

(Signed) E. F.

Declared, &c. &c.

N. B. The last Memorial as to new Directors or Secretary or Treasurer, was enrolled on the day of 18

In the case of retirement of Members.

Memorial made the day of the names of the persons who have ceased or discontinued

tinued to be Members of the Union Bank of Calcutta, since the day of being the date of the Memorial last registered respecting the Members of the said Union Bank enrolled pursuant to an Act passed, &c. intituled, &c.

A. B. of

I, E. F. of one of the Directors or Secretary of the said Union Bank, do solemnly and sincerely declare that the above Memorial doth contain the name or names of the persons who have ceased or discontinued to be Members of the said Union Bank since the day of and I make this solemn declaration (as before.)

(Signed) E. F.

Declared, &c. &c.

N. B. The last Memorial as to retirement of Members was enrolled on the day of One Thousand Eight Hundred and

In case of new Members.

Memorial made the day of of the names of the persons who have become new Members of "the Union Bank of Calcutta" since the day of One Thousand Eight Hundred and (being the date of the Memorial last registered respecting new Members of the said Union Bank,) enrolled pursuant to an Act, &c.

J. K. of

L. M. of

I, A. B., of , one of the

Directors

Directors or Secretary of the said Union Bank, do solemnly and sincerely declare that the above Memorial doth contain the names of the persons who have become new Members of the said Union Bank since the day of One Thousand Eight Hundred and , and I make this solemn declaration, &c. (as before)

(Signed) A. B.

Declared, &c. &c. &c.

N. B. The last Memorial as to new Members was enrolled on the day of One Thousand Eight Hundred and

Memorial made the day of

Memorial of several changes.

of the names of the new Directors and Secretary of the Union Bank of Calcutta, and of the persons in whose place they have respectively been appointed, and of the names of the persons who have ceased or discontinued to be Members of the said Union Bank, and of the new Members of the said Union Bank enrolled pursuant to an Act passed, &c.

Names of the new Directors and of the persons in whose places they have been appointed.

F. F. of in the place of A. B. of

G. H. of in the place of C. D. of

Names of the persons who have ceased to be Members.

A. B. of

C. D. of

Names of New Members.

J. K. of

L. M. of

I, E. F., of one of the Directors or Secretary of the

the said Union Bank, do solemnly and sincerely declare that the above written Memorial doth contain the names of the new Directors and Secretary of the said Union Bank, and of the persons in whose places they have been appointed, and of the persons who have ceased to be Members of the said Union Bank, and of the new Members of the said Union Bank, as the same respectively appear in the books of the said Union Bank, and I make this Solemn Declaration, &c. (as before.)

(Signed) E. F.

Declared, &c.

N. B. The last Memorial as to new Secretary was enrolled on the day of One Thousand Eight Hundred and

The last Memorial as to new Directors was enrolled on the day of One Thousand Eight Hundred and

The last Memorial as to the retirement of Members was enrolled on the day of One Thousand Eight Hundred and

The last Memorial as to new Members was enrolled on the day of One Thousand Eight Hundred and

Calcutta, 1845.—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XXIV. OF 1845.

Passed by the Hon'ble the President of the Council of India in Council on the 22d November 1845, *with the assent of the Right Hon'ble the Governor General of India.*

An Act for establishing a Court for the trial of Officers of the Pilot Service accused of breach of duty.

I. IT is hereby enacted, that from and after the First day of January next, if any person employed in the Pilot Service of the East India Company, at the Presidency of Fort William in Bengal, shall be accused of having committed any breach of duty while engaged in such Service, and it shall appear to the Superintendent of Marine that such person ought to be brought to trial for such breach of duty, such person shall be brought to trial before a Court, consisting of a President and two Merchants of Calcutta, four Commanders of British Ships and two Branch Pilots or Master Pilots of the East India Company's Service, as Members.

II. And it is hereby enacted, that the said President shall be such person as shall be, from time to time appointed for that purpose by the Governor of Bengal.

III. And

III. And it is hereby enacted, that whenever it shall appear to such Superintendent of Marine that any person employed in the said Pilot Service ought to be brought to trial before such Court, the said Superintendent shall convene such Court by giving notice to the said President, and summoning by writing under his hand any two Merchants of Calcutta, any four Commanders of British Ships lying in the Port of Calcutta and any two Branch Pilots or Master Pilots of the East India Company's Service, to appear for the purpose of holding such trial at a time and place to be subsequently intimated to them by the Judge Advocate appointed to conduct the Proceedings of such Court. Provided always that every Court to be held under this Act shall consist of the President, and at least four Members, and that the decision shall in every case be according to the votes of the majority, and that in case of equality of votes the President shall have a casting vote.

IV. And it is hereby enacted, that if after the Court shall have been convened the President shall be prevented by sickness or any other cause from attending the said Court, it shall be lawful for the Members of the said Court, not being less than five in number, to elect one from among themselves, who shall perform the functions of President of the said Court until the end of the trial.

V. And it is hereby enacted, that if any person summoned, as aforesaid, shall neglect or refuse to attend in pursuance thereof, or to remain in attendance to the end of such trial without sufficient cause, then it shall be lawful for the said Superintendent of Marine to impose upon any such person a fine not exceeding the sum of Rupees 200 for every such default, and every Justice of the Peace for the Town of Calcutta is hereby authorized and required upon representation made to him in writing and signed

signed by the said Superintendent, to enforce the payment of such fine in like manner as if such fine had been imposed by himself.

VI. And it is hereby enacted, that the proceedings before such Court shall be conducted on the part of Government by such person as the Governor of Bengal shall from time to time appoint as Judge Advocate for that purpose.

VII. And it is hereby enacted, that it shall be lawful for the said Judge Advocate, and he is hereby authorized and required either at the request of the party accused, or of the party making the accusation, or of the said Court, by writing under his hand to summon any person whatsoever, to attend as a witness at a time and place to be specified in such summons for the purpose of being examined at any trial before a Court constituted as aforesaid, or if such person shall be about to depart from Calcutta so as to be unable to attend at such trial without serious inconvenience, then to be examined before the President of the said Court, and any two Members of the said Court, provided always that due notice of the time and place of such examination shall be given to the person against whom a charge is about to be preferred, and provided also, that such witness may nevertheless be examined at the trial if he shall be able to attend thereat in which case his previous examination may also be read at the trial.

VIII. And it is hereby enacted, that every witness duly summoned to attend any such Court or President and two Members, shall during his necessary attendance on such Court or President and two Members, and in going to and returning from the same, be privileged from arrest, and shall, if arrested in breach of such privilege, be discharged

discharged by such Court or President and two Members, or by the Supreme Court, or any Judge thereof, or by any Justice of the Peace in and for the Town of Calcutta upon its being made to appear to such Court or President and two Members constituted by this Act, or to such Supreme Court, or Judge, or to such Justice of the Peace by affidavit in a summary way that such witness was arrested in going to or returning from or attending upon such Court or President and two Members constituted by this Act, and that every witness so duly summoned to attend as aforesaid, who shall not attend on such Court or President and two Members, or who attending shall refuse to give evidence on Oath or Solemn Affirmation or Declaration, or to answer all such questions as the Court or President and two Members may legally demand, shall be liable to be attached in the Supreme Court, upon complaint made in like manner as if such witness had neglected to attend on any trial in such Supreme Court.

IX. And it is hereby enacted, that every Member assisting at every such Court before the commencement of any proceeding, to be had before it shall take the following Oath upon the Holy Evangelists, which Oath shall be administered by the President of such Court to the other Members thereof, and to the President by the Judge Advocate, that is to say,

" I, A. B., do swear that I will duly determine and administer Justice according to the evidence in the matter that shall be brought before me, and that I will not divulge the sentence till it shall be approved of by competent authority, neither will I at any time divulge the vote or opinion of the President, nor my own vote, nor that of any Member of this Court unless required to give evidence thereof as

a Witness by a Court of Justice in due course of Law. So help me God."

X. And it is hereby enacted, that the Judge Advocate who is to conduct the Proceedings of the said Court shall take the following Oath, which Oath shall be administered by the President.

"I, A. B., do swear that I will not upon any account whatsoever disclose or discover any vote or opinion of the President or any particular Member of this Court unless required to give evidence thereof as a witness by a Court of Justice in due course of Law. So help me God."

XI. And it is hereby enacted, that every Witness before any such Court or President and two Members, shall be examined upon Oath, which such Courts and President and two Members are hereby authorized to administer. Provided always that in all cases wherein a Solemn Declaration or Affirmation would be allowed in Her Majesty's Courts of Judicature to be substituted for an Oath, the said Court or President and two Members constituted by this Act, shall substitute such Solemn Declaration or Affirmation for an Oath.

XII. And it is hereby enacted, that any person wilfully and knowingly giving false testimony on Oath or Solemn Declaration or Affirmation in any case in which an Oath or Solemn Declaration or Affirmation is by this Act required to be made, shall be deemed guilty of wilful and corrupt perjury, and being duly convicted, shall be liable to the pains and penalties of perjury.

XIII. And it is hereby enacted, that if the party against whom a charge is perferred shall appear, or shall not satisfy the Court that he has

a reasonable excuse for not appearing, the said Court shall proceed to hear and determine the charges preferred by the said Superintendent against any person or persons so employed in the Pilot Service as aforesaid, and if such person or persons shall be found guilty by the said Court of the breach of duty laid to his or their charge, it shall be competent to the said Court, and it is hereby required to sentence such person or persons to dismissal from the said Pilot Service, or to such other punishment by loss of rank or pay as to the said Court shall appear fit, whether or not such breach of duty be punishable under a certain Code called the Penal Code for the better order and government of the Members composing the Pilot Service, passed by order of the Right Hon'ble the Vice President in Council, on the 21st December 1826.

XIV. Provided always, and it is hereby enacted, that in all cases wherein the charge preferred before such Court is a charge of a breach of duty punishable under the said Code, the said Court shall award such punishment as is prescribed for such breach of duty in the said Code and no other.

XV. Provided also, and it is hereby enacted, that the said Code shall remain in full force as regards the several breaches of duty therein specified, but that it shall be competent for the said Superintendent of Marine, and he is hereby empowered in any case of breach of duty not specified in the said Code, to frame such charge as shall be applicable to the facts of the case and to prefer the same to the said Court.

XVI. Provided always, and it is hereby enacted, that nothing in this Act contained shall prevent the said Superintendent from deciding summarily

summarily in cases in which he was empowered to decide summarily before the passing of this Act.

XVII. And it is hereby enacted, that the proceedings of such Court shall be sent on completion of the trial to the Superintendent of Marine, and it shall be lawful for the said Superintendent of Marine, to send back the proceedings to the Court for revision of the finding or sentence or both.

XVIII. And it is hereby enacted, that every finding and sentence of such Court as aforesaid shall be subject to the approval of the Governor of Bengal, and that no such finding or sentence shall be considered final or conclusive until it has been submitted to and approved by the Governor of Bengal who is hereby empowered to remit any part or the whole of such sentence as he shall think fit, and that every such sentence either of dismissal from the service or of loss of rank or pay upon being confirmed or mitigated by the said Governor of Bengal, shall be considered valid and effectual from the date of such confirmation or mitigation and shall be forthwith carried into effect.

XIX. And it is hereby enacted, that it shall be lawful for the said Superintendent of Marine to make such Rules for conducting the Proceedings and regulating the practice of the said Courts, and for carrying into effect the purposes of this Act as to the said Superintendent shall seem expedient, and all such Rules shall be submitted to the Governor of Bengal, and shall have full effect after they shall have been confirmed by the Governor of Bengal.

Calcutta, 1845:—Printed at the Bengal Military Orphan Press by G. H. Huttmann.

ACT No. XXV. OF 1845.

Passed by the Hon'ble the President of the Council of India in Council on the 20th December 1845, *with the assent of the Right Hon'ble the Governor General of India.*

An Act for regulating the time of sailing of Ships carrying Emigrants from Madras to Jamaica, British Guiana and Trinidad.

WHEREAS by Section VIII. Act XXI. of 1844, it was amongst other things enacted, that no Ship or Vessel carrying Emigrant Laborers to Jamaica, British Guiana, or Trinidad, should sail from Calcutta, Madras, or Bombay, at any other time than between the 30th day of any September, and the 1st of March next, thereafter ensuing:

And whereas the said provision is found to be inconvenient so far as regards Ships or Vessels carrying Emigrant Laborers from Madras:

It is therefore hereby enacted, that so much of the said Act as is hereinbefore recited be repealed so far as regards such last mentioned Ships or Vessels.

II. And

II. And it is hereby enacted, that no Ships or Vessels carrying Emigrant Laborers to Jamaica, British Guiana, or Trinidad, shall sail from Madras at any other time than between the 31st day of any August, and the 1st of March next, thereafter ensuing.

Calcutta, 1845 :—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XXVI. OF 1845.

Passed by the Hon'ble the President of the Council of India in Council on the 27th December 1845, *with the assent of the Right Hon'ble the Governor General of India.*

An Act to regulate the granting and withholding Licences for the Sale of Liquors within the Town of Calcutta.

I. IT is hereby enacted, that all powers and duties now vested byLaw in the Justices of the Peace with respect to granting and withholding Licences for the sale of Arrack or other Spirituous or Fermented Liquors within the Town of Calcutta, shall from and after the passing of this Act, be vested in and discharged by any person whom the Governor of Bengal may appoint for that purpose.

II. And it is hereby enacted, that the Governor of Bengal shall have authority at all times to regulate the form of Licences to be granted for the sale of Arrack and other Liquors as aforesaid in the Town of Calcutta, and to vary and add to the terms and conditions thereof.

III. And

III. And it is hereby enacted, that whenever a Licence to sell Arrack or other Liquors as aforesaid shall be granted under the provisions of this Act, the Officer granting such Licence shall be authorized to demand, in consideration of the privilege granted, such fee, tax or duty as may from time to time be fixed under the sanction of the Governor of Bengal. And such fee, tax or duty may be made payable in advance, or at such period as may be settled by the Officer granting the Licence.

IV. And it is hereby enacted, that it shall be lawful for the Officer granting such Licence to withhold or recal the same, in case the fee, tax or duty aforesaid be not duly paid according to the conditions upon which such Licence shall be granted. And any person vending Arrack or other Liquors as aforesaid within the Town of Calcutta, whilst such Licence shall be withheld, or after it shall have been recalled as aforesaid, shall be liable to all the penalties for vending Arrack or other Liquors as aforesaid without a Licence.

Calcutta, 1846:—Printed at the Bengal Military Orphan Press, by G H. Huttmann.

ACT No. XXVII. OF 1845.

Passed by the Hon'ble the President of the Council of India in Council on the 27th December 1845, *with the assent of the Right Hon'ble the Governor General of India.*

An Act for enabling Assistant Magistrates vested with special powers to decide Cases under the Provisions of Act IV. of 1840.

I. IT is hereby enacted, that in the Territories subject to the Presidency of Fort William in Bengal, Assistant Magistrates vested with special powers, shall be competent to decide cases under the provisions of Act IV. of 1840 when such cases are referred to them by the Magistrates to whom they are subordinate, and that such Assistants shall deal with such cases in the same way as Magistrates are competent to deal with them under the said Act.

II. Provided always that the Magistrates may at all times recal from such Assistants any depending cases which may have been referred to them under this Act, and which for the more speedy administration of justice or for any other reason, the Magistrates may deem it proper to determine themselves in the first instance.

Calcutta, 1846 :—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XXVIII. OF 1845.

Passed by the Hon'ble the President of the Council of India in Council on the 27th December 1845, *with the assent of the Right Hon'ble the Governor General of India.*

An Act for the improvement of the Administration of Justice and despatch of Business in the Supreme Court of Judicature at Fort St. George.

I. IT is hereby enacted, that from and after the passing of this Act, it shall be lawful for any one of the Judges of the Supreme Court of Judicature at Fort St. George, when occasion shall so require to sit apart from the other Judges or Judge, as the case may be, of the same Court for the despatch of the Criminal Business of the said Court, at the same time when the other Judges or Judge, as the case may be, of the said Court shall be sitting for the despatch of Business in the said Supreme Court, and that all proceedings whatever so had by and before such Judge, so sitting apart for the purpose aforesaid, shall be good, valid and effectual in the Law to all intents and purposes as fully as if the said proceedings were had before all the Judges of the said Court sitting as a Court of Oyer and Terminer and Gaol Delivery under the Charter of the said Court.

II. And

II. And it is hereby further enacted, that all Business of what nature or kind soever which the said Supreme Court of Judicature at Fort St. George may or shall have power to transact in Term, it shall in like manner have power to transact out of Term, and that all proceedings whatever before the said Court out of Term, shall be as good, valid and effectual in the Law to all intents and purposes as fully as if the said proceedings were had in Term, and that all Rules and Orders of the said Court as to all Judgments, Executions or other Proceedings in Term, shall be applicable and shall be applied to all Judgments, Executions, or other Proceedings given, issued or had out of Term, as near as the same can be made applicable thereto, and the said Court shall issue such new Rules and Orders as may be necessary for the purpose of giving full effect to the provisions in this Act contained.

Calcutta, 1846 :—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XXIX. OF 1845.

Passed by the Hon'ble the President of the Council of India in Council on the 27th December 1845, *with the assent of the Right Hon'ble the Governor General of India.*

An Act to empower the Government of Bombay to appoint Joint Zillah Judges or Joint Session Judges.

I. IT is hereby enacted, that it shall be lawful for the Governor in Council of Bombay, with the consent of the Governor General of India in Council, whenever the state of Civil Judicial business may render it expedient, to appoint in any Zillah, within the Territories subject to the Presidency of Bombay, a Joint Judge, who shall be vested with co-extensive powers and a concurrent jurisdiction with the Judge of the Zillah, except that he shall not keep a file of Civil Suits, but shall transact such Civil business only as he may receive from the Judge of the Zillah.

II. And it is hereby enacted, that the Rules and Regulations at present in force, or which may hereinafter be enacted for the guidance of the Judge, shall be equally applicable to the Joint Judge.

III. And it is hereby enacted, that previous to exercising the functions of his Office, the Joint Judge shall take the oath prescribed for the Judge,

Judge, with the requisite alteration of designation, or when the oath is dispensed with under Act XXI. of 1837, shall make and subscribe a declaration in writing to the same effect with such oath.

IV. And it is hereby enacted, that the seal of the Joint Judge shall be the same as is used by the Judge of the Zillah.

V. And it is hereby enacted, that it shall be lawful for the said Governor in Council, with the consent of the said Governor General in Council, whenever the state of Criminal Judicial business may render it expedient, to appoint in any Zillah within the said Territories a Joint Session Judge who shall be vested with co-extensive powers and a concurrent jurisdiction with the Session Judge of the Zillah, except that he shall not receive original complaints, but shall transact such Criminal business only as he may receive from the Session Judge of the Zillah.

VI. And it is hereby enacted, that the Rules and Regulations at present in force or which may hereafter be enacted for the guidance of the Session Judge, shall be equally applicable to the Joint Session Judge.

VII. And it is hereby enacted, that previous to exercising the functions of his Office, the Joint Session Judge shall take the oath prescribed for the Session Judge with the requisite alteration of designation, or when the oath is dispensed with under Act XXI. of 1837, shall make and subscribe a declaration in writing to the same effect with such oath.

VIII. And it is hereby enacted, that the seal of the Joint Session Judge shall be the same as is used by the Session Judge of the Zillah.

Calcutta, 1846 :—Printed at the Bengal Military Orphan Press, G. H. Huttmann.

ACT No. XXX. OF 1845.

Passed by the Hon'ble the President of the Council of India in Council on the 27th December 1845, *with the assent of the Right Hon'ble the Governor General of India.*

An Act for enabling Session Judges within the Madras Presidency to award fines in compensation to injured parties.

IT is hereby enacted, that from the 1st day of February 1846 it shall be competent to the Session Judges within the Presidency of Fort St. George in adjudging a sentence of fine, to award such fine, or any part of such fine, in compensation to the party who may have been injured, in like manner as it is competent to Magistrates to award fines under Clause Second, Section XXXIX. Regulation IX. 1816 of the Madras Code.

Calcutta, 1846:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XXXI. OF 1845.

Passed by the Hon'ble the President of the Council of India in Council on the 27th December 1845, *with the assent of the Right Hon'ble the Governor General of India.*

An Act for exempting the Pensions of Soldiers and others from Attachment by Process of the Courts of the East India Company.

I. IT is hereby enacted, that the reduced pay or pension, however denominated, of Invalid Officers and Soldiers and Retainers of the Bombay Army, or any other monthly or annual pecuniary allowance granted on retirement from the public service, by the authority of the Governor in Council of Bombay, to any person in consideration of past services and present infirmities or old age for the term of the life of such worn-out or disabled Officer or Public Servant shall not from and after the passing of this Act be liable to seizure, attachment or sequestration by the process of any of the Courts of the East India Company within the said Presidency, at the instance of a Creditor for any demand against the Pensioner, or in satisfaction of a decree or order of any such Court, nor any money due or to become due on account of such pension or allowance, unless the same have been assigned or made over by the Pensioner by a writing under his signature executed previous to the passing of this Act, any Law or Regulation to the contrary notwithstanding.

II. And

II. And it is hereby enacted, that all assignments, bargains, sales, contracts, agreements or securities whatsoever made after the passing of this Act by such Pensioner as described in the foregoing Section, for any money to become due thereafter on account of his pension, shall be null and void and of no effect, any Law or Regulation to the contrary notwithstanding. Provided always that nothing herein contained shall be construed to prevent or render null the assignment of money due on account of a pension or monthly or annual pecuniary allowance, by a writing under the signature of the Pensioner executed on or after the date when the same shall become due.

Calcutta, 1846.—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. XXXII. OF 1845.

Passed by the Hon'ble the President of the Council of India in Council on the 27th December 1845, *with the assent of the Right Hon'ble the Governor General of India.*

An Act to modify Regulation I. of 1820 *of the Madras Code, relative to Manufacturing Spirituous Liquors by the European process of distillation.*

I. WHEREAS it is expedient to modify Regulation I. of 1820 of the Madras Code, and to allow persons manufacturing Spirituous Liquors by the European process of distillation to dispose of the same under certain conditions for consumption within the Territories of the Presidency of Fort St. George: and whereas it is desirable to remove certain doubts which have existed as to whether European British subjects are equally with other parties amenable to the Local Authorities in the Provinces for offences committed in violation of the said Regulation I. of 1820 of the Madras Code, it is hereby enacted, that Clauses 2 and 3, Section IV. Regulation I. 1820 of the said Code, be repealed.

II. And it is hereby enacted, that the Licences to be granted under Section IV. Regulation I. 1820 of the Madras Code, for the establishment of all Distilleries for manufacturing Rum, Arrack or other Spirits by process of distillation

distillation similar to the European system, shall be prepared according to a form to be approved by the Board of Revenue, and shall contain a stipulation that the whole of the Spirituous Liquor manufactured at such Distillery shall be exported by Sea, or shall be sold only to the Civil or Military Officers of Government empowered to purchase the same on account of the Public Service, or to Abkarry Renters for retail sale within the limits of their respective farms, but not to the licenced retail dealers of Madras contemplated by Section VII. Regulation I. 1813 of the Madras Code.

III. And it is hereby enacted, that any person, whether European or not, who in breach of the stipulation in his Distillery Licence held under the provisions of the foregoing Section and of Clause 1, Section IV. Regulation I. 1820 Madras Code, shall directly or indirectly, sell or permit to be sold any such Spirituous Liquors to any European Sailor or Soldier, or to any Native of India, or other person, save and except to those persons to whom it is hereinbefore declared that such Liquors may be lawfully sold, shall, on proof thereof to the satisfaction of the Collector of Revenue, by whom such Licence shall have been granted be liable to the forfeiture of his Licence, or to a fine not exceeding Rupees 1,000 for every such offence, subject to the confirmation of the Board of Revenue, to whose final decision every such case shall be referred.

IV. And it is hereby enacted, that European British subjects, as well as other parties guilty of the offences specified in Regulation I. of 1820, shall on conviction before the Session Judge or Subordinate Judge of the Zillah, be subject to the penalties therein severally and respectively provided against the commission of such offences save and except that no European British subject shall in any case be liable to hard labor when imprisoned in pursuance of a sentence passed upon him under that Regulation, but that

any

any fines which may be imposed for acts done in breach of the provisions of the said Regulation or of the provisions of Sections 2 and 3 of this Act, shall in default of payment be recovered by the distress and sale of the property of the parties against whom such fines shall have been adjudged.

V. And provided also, that it shall be lawful for the Session Judge or Subordinate Judge of the Zillah in sentencing any European British subject to imprisonment to direct that the imprisonment shall be in the Gaol at Madras.

VI. And it is hereby enacted, that the Gaoler of the Gaol at Madras shall receive into the said Gaol any European British subject so sentenced as aforesaid and keep him there imprisoned during the term of his sentence in the same manner as if he had been sentenced by the Supreme Court.

Calcutta, 1846:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

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P.	*Acts.*	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1846.			
Paneeput—See Settlements.				
Pleaders—Office of—in Company's Courts open to all persons of approved qualification.....	I.	IV.	.....	General.
„ Barristers of H. M.'s Courts in India may act as—in the Sudder Courts subject to rules applicable to Pleaders.	„	V.		
„ Parties may settle remuneration to authorized—Costs awarded to parties in regular suits, and appeals and other cases how to be regulated. ...	„	VII.		
„ Private agreements between parties and Pleaders respecting their remuneration how to be enforced.	„	VIII.		
„ Parties may settle with authorized—the remuneration for legal opinions.....	„	IX.		
„ May be fined by Principal Sudder Ameens and Sudder Ameens subject to appeal to Zillah Judges.	„	X.		
„ Rules applicable to—in the Zillah Judges' Courts shall be applicable to Pleaders in the Moonsiffs' Courts.	„	XI.		
„ Moonsiffs may fine—subject to appeal to the Zillah Judge.	„	XII.		
„ Act not to affect Vakeels in the Village Moonsiffs' Courts or employed before the Village or District Punchayets				

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1846.			
or the Collectors of Zillahs under Regulations IV, V, VII, and XII of 1816 of the Madras Code.—(See Regulations.)...	I.	XIII.		
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R.				
Regulation XXIII. 1814, Section 15.				
„ XXVI. 1814, Clause 7, Section 2, Clause 11, Section 3, Clause 4, Section 8.				
„ XXVII. 1814, Clause 3, Section 3, Section 7, Clause 1, Section 15, Sections 23, 24, 28, 29, 32, 33, 34, 35, Clause 1, Section 39.				
„ XXVIII. 1814, Clause 2, Section 10.				
„ XIX. 1817, Section 9.				
„ XI. 1826, Section 6.				
„ V. 1831, Section 30.				
„ IX. 1831, Section 7.				
„ VII. 1832, Section 2.				
„ XII. 1833, of the Bengal Code and Act No. XIII. of 1838, repealed.	„	I.	.....	Bengal.
„ VI. 1816, Clauses 2 and 3, Section 14.				

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1846.			
Regulation XIV. 1816, Section 7, Clause 1, Section 15, Sections 23, 24, 28, 29, 32, 33, 34, 35.				
„ XV. 1816, Clause 7, Section 4, Clause 11, Section 5, Clause 4, Section 8.				
„ I. 1827, Clause 3, Section 6.				
„ VII. 1827, Clause 3, Section 6.				
„ VI. 1828, Section 5.				
„ IV. 1832, Section 4, of the Madras Code—repealed.	I.	II.	.....	Madras.
„ II. 1827, Clause 3, Section 47, Clause 2, Section 48, Section 55 of the Bombay Code.				
„ XXIX. 1827, so much of Clause 1, Section 7, of—as empowers the Deccan and Kandeish Judges to examine and grant Certificates to Pleaders—repealed.....	„	III.	.....	Bombay.
„ XXVII. 1814, Section 25 of the Bengal Code, ...	.....	.....	.....	Bengal.
„ XIV. 1816, Section 25 of the Madras Code, ...	.....	.....	.....	Madras.
„ II. 1827, Section 52 of the Bombay Code shall cease to be enforced except for the purpose mentioned,.....	„	VI.	.....	Bombay.
„ XXVII. 1814, so much of Section 20 of the Bengal Code and of				
„ XIV. 1816, Section 20 of the Madras Code as prescribe				

rates

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1846.			
rates of fees to Pleaders for legal opinions, repealed—See Pleaders.	I.	IX.		
„ I. 1793, so much of Sections 10 and 11 of—as relates to the adjustment of the Government Jumma on lands exposed to public sale in satisfaction of Decrees.				
„ XXVII. 1795, Section 7, do. do.				
„ XXV. 1803, Sections 37 and 38, do. do.				
„ IX. 1805, Sections 27 and 28, do. do.				
„ XLV. 1793,				
„ XX. 1795,				
„ XII. 1796,				
„ XXVI. 1803, Sections 15 to 26, and so much of Sections 27 and 28 of the same Regulation as relates to the satisfaction of Decrees,				
„ VII. 1825, Clauses 2 and 3, Section 4, Bengal Code, repealed.....	IV.	I.		
Regulations which extend any of the above Regulations also repealed, ...	„	II.		
Reg. IV. of 1830, so much of Clause 1, Section 1,—of Bombay Code, as reserves to the control of the Judge and his Assistants, the Police jurisdiction of Surat—repealed...	V.	.....	.....	Bombay.

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1846.			
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„ III. 1812, Clause 1, Section 2, of Bengal Code, modified.	VII.			
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„ V. 1800, Section 9,				
„ XXVIII. 1803, Clause 2, Section 17, of the Bengal Code, respecting arrears of rent, modified.	X.	.....	.....	Bengal.
„ XXIX. of 1827, so much of Appendix A, of—Bombay Code, as declares the Villages contained in the Schedule annexed to Act XI. of 1846, and the lands attached thereto subject to the Regulations for the administration of Civil and Criminal Justice in the Bombay Presidency, repealed.....	XI.	I.		
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S.				
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Sale

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1846.			
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„ Attachments and Sales of lands in satisfaction of Decrees or other Process shall be made by Civil Courts (those in the North Western Provinces excepted) or under their directions according to the existing Rules relating thereto.	„	III.		
„ What particulars a decree-holder shall furnish with his application to the Civil Court for the sale of lands paying revenue to Government.	„	IV.		
„ What amount to be deposited by the purchaser at such sales and the same how disposable in case of default of payment of the purchase money, and the land how to be sold afterwards.	„	V.		
„ Collectors or their Subordinate Officers in the North Western Provinces may attach and sell lands in satisfaction of Decrees upon the requisition of Civil Courts except in cases specified.....	„	VI.	.....	N. W. P.
„ In the said Provinces such requisitions shall contain what particulars.	„	VII.		

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1846.			
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„ In the said Provinces, Section V. of this Act shall be applicable to such sales.	„	IX.		
„ Definition of the nature of such sales.....	„	X.		
„ Rules to be framed by the Sudder Courts and approved by the Governor General in Council.....	„	XI.		
„ Act not to affect applications made by the Civil Courts to the Revenue authorities for the sale of lands before the passing of this Act.	„	XII.		
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„ Grants or Leases for longer period than those specified in the 1st Section may be held				

till

	Acts.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1846.			
till the terms of such grants or leases.	VIII.	III.		
„ Before the expiration of engagements previous notice of what period to be given by parties of their intention to relinquish leases.....	„	IV.		
„ In default of such notice parties shall be bound to pay the Jummah as already settled till the settlement be revised or in perpetuity.	„	V.		
„ Government may always demand revenue from resumed rent-free lands, alluvial Towfeer, &c., not assessed at the Settlement.	„	VI.		
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V.				
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W.				
Witnesses—Diet money for— in petty cases may be regulated by the Magistrates.....	VII.	.....	.....	Bengal and N. W. P.

Calcutta, 1847 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. I. OF 1846.

Passed by the Hon'ble the President of the Council of India in Council on the 7th January 1846, *with the assent of the Right Hon'ble the Governor General of India.*

An Act for amending the Law regarding the appointment and remuneration of Pleaders in the Courts of the East India Company.

I. IT is hereby enacted, that Section 15, Regulation XXIII. 1814, Clause Seventh, Section 2, Clause Eleventh, Section 3, Clause Fourth, Section 8, Regulation XXVI. 1814, Clause Third, Section 3, Section 7, Clause First, Section 15, Sections 23, 24, 28, 29, 32, 33, 34, 35, Clause First, Section 39, Regulation XXVII. 1814, Clause Second, Section 10, Regulation XXVIII. 1814, Section 9, Regulation XIX. 1817, Section 6, Regulation XI. 1826, Section 30, Regulation V. 1831, Section 7, Regulation IX. 1831, Section 11, Regulation VII. 1832, Regulation XII. 1833 of the Bengal Code, and Act No. XIII. of 1838, be repealed.

II. And it is hereby enacted, that Clauses Second and Third, Section 14, Regulation VI. 1816, Section 7, Clause First, Section 15, Sections 23, 24, 28, 29, 32, 33, 34, 35, Regulation XIV. 1816, Clause Seventh, Section

Section 4, Clause Eleventh, Section 5, Clause Fourth, Section 8, Regulation XV. 1816, Clause Third, Section 6, Regulation I. 1827, Clause Third, Section 6, Regulation VII. 1827, Section 5, Regulation VI. 1828, Section 4, Regulation IV. 1832 of the Madras Code, be repealed.

III. And it is hereby enacted, that Clause Third, Section 47, Clause Second, Section 48, Section 55, Regulation II. 1827 of the Bombay Code; and so much of Clause First, Section 7, Regulation XXIX. 1827 of the same Code, as empowers the Zillah Judges of the Deccan and Kandeish to examine Pleaders and grant Certificates of qualification to practice in their Courts, be repealed.

IV. And it is hereby enacted, that the Office of Pleader in the Courts of the East India Company shall be open to all persons of whatever nation or religion, provided that no person shall be admitted a Pleader in any of those Courts unless he have obtained a Certificate in such manner as shall be directed by the Sudder Courts that he is of good character and duly qualified for the Office, any Law or Regulation to the contrary notwithstanding.

V. Provided nevertheless, and it is hereby enacted, that every Barrister of any of Her Majesty's Courts of Justice in India, shall be entitled as such to plead in any of the Sudder Courts of the East India Company, subject however to all the Rules in force in the said Sudder Courts applicable to Pleaders whether relating to the language in which the Court is to be addressed or to any other matter.

VI. And it is hereby enacted, that Section 25, Regulation XXVII. 1814, of the Bengal Code, Section 25, Regulation XIV. 1816, of the Madras Code, and Section 52, Regulation II. 1827, of the Bombay Code, shall cease

to

to be enforced, excepting for the purpose specified in Section VII. of this Act.

VII. And it is hereby enacted, that parties employing authorized Pleaders in the said Courts shall be at liberty to settle with them by private agreement the remuneration to be paid for their professional services, and that it shall not be necessary to specify such agreement in the Vakalut-nama; provided that when costs are awarded to a party in any regular Suit, original or appeal, decided on the merits, against another party, the amount to be paid on account of fees of Pleaders, shall be calculated according to the Rules contained in the Sections of Regulations specified in Section VI. of this Act; and that when costs are awarded in other cases the amount to paid on account of such fees shall be one-fourth of what it would have been in a regular Suit decided on its merits.

VIII. And it is hereby enacted, that private agreements between parties and their Pleaders respecting the remuneration to be paid for professional services shall not be enforced otherwise than by a regular Suit.

IX. And it is hereby enacted, that so much of Section 20, Regulation XXVII. 1814, of the Bengal Code, and of Section 20, Regulation XIV. 1816 of the Madras Code, as prescribes the rate of fees to be received by authorized Pleaders for legal opinions, be repealed; and that persons taking such opinions from authorized Pleaders shall be at liberty to settle with them by private agreement the remuneration to be paid for such opinions.

X. And it is hereby enacted, that whenever a Pleader has rendered himself liable to a fine in the Court of a Principal Sudder Ameen or Sudder Ameen, it shall be competent to such Principal Sudder Ameen or Sudder

Ameen

Ameen to impose such fine; provided that an appeal from all orders imposing such fines shall lie to the Zillah or City Judge, whose decision thereon shall be final.

XI. And it is hereby enacted, that the Rules applicable to Pleaders in the Courts of the Zillah and City Judges, shall henceforth be applicable, so far as they are capable of application, to Pleaders in the Moonsiffs' Courts.

XII. And it is hereby enacted, that whenever a Pleader has conducted himself in such a manner in the Court of a Moonsiff as would have rendered him liable to a fine if he had so conducted himself in the Court of a Zillah or City Judge, it shall be competent to such Moonsiff to impose such fine; provided that an appeal from all orders imposing such fines shall lie to the Zillah or City Judge, whose decision thereon shall be final.

XIII. And it is hereby enacted, that nothing in this Act contained shall apply to Vakeels who may be employed in the Courts of the Village Moonsiffs, or before the Village or District Punchayets, or before the Collectors of Zillahs, under the Provisions of Regulations IV., V., VII. and XII. 1816 of the Madras Code.

Calcutta, 1846:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. II. OF 1846.

Passed by the Hon'ble the President of the Council of India in Council on the 7th January 1846, *with the assent of the Right Hon'ble the Governor General of India.*

An Act relating to unscrewed Cotton exported from the Continent of India and imported at the Bombay Presidency.

I. IT is hereby enacted, that unscrewed Cotton Wool shall be allowed to be exported from any Subordinate Port of the Bombay Presidency to the Port of Bombay, free of the Duty specified in Schedule B of Act No. I. of 1838, and to the Port of Bombay from any Port of the Madras Presidency, free of the Duty specified in Schedule B of Act No. VI. of 1844, to which Port of the Madras Presidency the Governor in Council thereof may from time to time be pleased by a Notification in the Official Gazette to grant such exemption of that Duty: Provided that the Cotton Wool so exported shall not be shipped on a Square-rigged Vessel.

II. And it is hereby enacted, that Cotton Wool shall be allowed to be imported into the Port of Bombay, from any part of the Continent of India, free of the Duty specified in Schedule A of the said Act No. I. of 1838.

Calcutta, 1846:—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. III. OF 1846.

Passed by the Hon'ble the President of the Council of India in Council on the 7th January 1846, *with the assent of the Right Hon'ble the Governor General of India.*

An Act for the establishment and maintenance of field boundary marks in the Presidency of Bombay.

WHEREAS it is desirable, with a view to the better definition and security of landed property, the prevention of encroachments and disputes, and the identification of lands assessed to, or exempted from, the public revenue, that provision should be made for the establishment and maintenance of permanent marks to distinguish the boundaries of fields:

I. It is hereby enacted, that it shall be lawful, within the territories subject to the Presidency of Bombay, for such Revenue Officers as the Governor in Council may entrust with that authority to require that marks be erected and maintained by the Owners or Occupants on the boundaries of fields, of such materials, and in such number as may appear to such Officers sufficient for permanently distinguishing the limits of those fields.

II. And

II. And it is hereby enacted, that the requisition shall be served on the persons owning or occupying each field according to the Form A. annexed to this Act, and in the event of these persons not being found in the Village, that the said requisition shall be posted at the Village Chowree or other conspicuous place in the Village, which shall be held to be a sufficient service.

III. And it is hereby enacted, that in default of the Owners or Occupants of the fields complying with the requisition, the said Revenue Officers shall give directions for the erection and repair of such field boundary marks, the cost of which shall be equitably apportioned on the fields which they serve to distinguish, and shall be charged to the persons possessing a right of ownership or occupancy in such fields, or if there are no such persons forthcoming, to the revenues of the Village in which the fields are situated.

IV. And it is hereby enacted, that no person being out of possession and claiming a right of ownership or occupancy in fields, the cost of erecting or maintaining whose boundary marks has been charged to the revenues of the Village, in consequence of his neglecting to defray the same, shall have his claim allowed until he makes good all sums so charged.

V. And it is hereby enacted, that any person who may be convicted of wilfully erasing, removing, or injuring field boundary marks, shall be liable to a fine not exceeding Fifty Rupees for each mark so erased, removed, or injured, one half of which fine may be awarded on conviction to the informer, and the other half shall be chargeable with the cost of restoring the mark.

VI. And it is hereby enacted, that authority for the assessment and realization of all sums due under the provisions of this Act, whether as costs or penalties, shall be vested in the Revenue Officers authorized to provide for the erection and maintenance of field boundary marks, and shall be exercised by them in conformity with the rules prescribed for the assessment and realization of Revenue demands in general, and that the proceedings of those Officers in all such matters shall be recorded in writing, and shall be subject to appeal to the Revenue Authorities to whom they are subordinate.

FORM A.

Whereas you are the Owner (Occupant as the case may be) of the field in the Village of you are hereby required to fix boundary marks to the said field (by ridging or raising mounds of earth at the angles, or in such other mode as may be determined) or to repair its present boundary, within days from this date, in default of which the same will be done by the Government Officers, and the cost recovered from you under Act III. of 1846.

Calcutta, 1846 :—Printed at the Bengal Military Orphan Press, by G. H. Huttmann.

ACT No. IV. OF 1846.

Passed by the Hon'ble the President of the Council of India in Council on the 7th January 1846, *with the assent of the Right Hon'ble the Governor General of India.*

An Act for amending the Law regarding the Sale of Land in Execution of Decrees in the Territories subject to the Presidency of Fort William in Bengal.

I. IT is hereby enacted, that so much of Sections 10 and 11, Regulation I. 1793, Section 7, Regulation XXVII. 1795, Sections 37 and 38, Regulation XXV. 1803, and Sections 27 and 28, Regulation IX. 1805, as relates to the Adjustment of the Government Jumma on lands exposed to public sale in satisfaction of the decrees of the Courts of Civil Judicature, Regulations XLV. 1793, XX. 1795, and XII. 1796, Sections 15 to 26, (both inclusive) Regulation XXVI. 1803, so much of Sections 27 and 28 of the same Regulation as relates to the satisfaction of decrees, and Clauses Second and Third, Section 4, Regulation VII. 1825, all of the Bengal Code, be repealed

II. And

II. And it is hereby enacted, that all Regulations or parts of Regulations which extend any of the Regulations or parts of Regulations herein before repealed, be also repealed.

III. And it is hereby enacted, that in the Territories subject to the Presidency of Fort William in Bengal, except the North West Provinces, attachments and sales of land, or of any interest in land in satisfaction of the decrees or other process of the Courts of Civil Judicature, shall be made by such Courts or under their directions, and that the Rules now in force for the attachment and sale of such real property as the Courts of Civil Judicature are now authorized to sell in satisfaction of decrees, without application to the Revenue Authorities, shall apply to attachments and sales made under the authority of this Act.

IV. And it is hereby enacted, in addition to the said Rules, that in the said Territories, except as aforesaid, whenever a holder of a decree of any Court of Civil Judicature shall apply to such Court for the sale in execution of any Estate paying Revenue to Government, or any portion of any such Estate, he shall, at the time of making such application, file an authenticated Extract from the Register of the Collector's Office, specifying the Jumma of such Estate, which shall be inserted in the Notification of Sale.

V. And it is hereby enacted, in addition to the said Rules, that in the said Territories, except as aforesaid, the purchaser at any such sale shall be required to deposit immediately either in Cash, Bank of Bengal Notes, or Post Bills, or Government Securities duly endorsed, fifteen per cent. on the amount of his bid, and in default of such deposit such land or interest therein shall forthwith be put up again and sold, and if the purchaser having

paid

paid the deposit required shall neglect or refuse to pay the purchase money, within the period which may be stipulated, the deposit shall be forfeited and shall be applied as if it were purchase money, and the land or interest therein, or such portion thereof as may be sufficient to satisfy what remains due, shall be again put up to sale, due notification having been first given.

VI. And it is hereby enacted, that in the North West Provinces of the Territories subject to the Presidency of Fort William in Bengal, attachments and sales of land or of any interest in land in satisfaction of the decrees or other process of the Courts of Civil Judicature, shall (except in the case of land which the Courts themselves are now by law authorized to attach and sell) be made by the Collector or any of his subordinate Officers under his directions, upon the requisition of such Courts.

VII. And it is hereby enacted, that in the last mentioned Provinces, every such requisition shall specify the number of the suit, the Court which made the decree, the amount to be realized, the names of the parties, distinguishing those whose land or interest it is intended to sell, and the amount for which each is liable, if they are severally liable, and the land or interest which each is alleged in the Schedule of the party applying for execution to be possessed of.

VIII. And it is hereby enacted, that in the last mentioned Provinces the Collector shall issue a Proclamation in the current language of the country of any intended sale of land or any interest therein, thirty days at least before the day appointed for the sale, exclusive of the day of sale, and of the day on which the Proclamation is issued, and the said Proclamation shall specify the name of the person whose land or whose rights and interests in certain land are to be sold, and the Jumma of the Estate

constituting

constituting the property, or in which the property is situate; also particulars of the property to be sold, of the time and place of sale, and of the amount due for the recovery of which the sale is ordered, and such Proclamation shall be fixed up in some conspicuous place within the village or town in which the said land is situate, or which is nearest to the said land, and in the Cutcheries of the Local Moonsiff, of the Collector, of the Zillah or City Judge, and of the Court from which the requisition issued.

IX. And it is hereby enacted, that in the last mentioned Provinces the provisions contained in Section V. of this Act shall be applicable to sales of land or any interest in land in execution of decrees of Court or other Judicial process.

X. And it is hereby enacted, that in the Territories subject to the Presidency of Fort William in Bengal, sales of land or of any interest in land in execution of decrees of Court or other Judicial process, shall be of the nature of private transfers.

XI. And it is hereby enacted, that in the Territories subject to the Presidency of Fort William in Bengal, the Courts of Sudder Dewanny Adawlut shall, from time to time, frame such Rules as to them shall seem meet, and as shall not be repugnant to any thing in this Act contained, for the attachment and sale of property in satisfaction of decrees or other process of the Courts of Civil Judicature, which Rules shall, after they have been approved by the Governor General of India in Council, have the same force as if they had been part of this Act, until revoked by the said Courts of Sudder Dewanny Adawlut with the approbation of the said Governor General of India in Council, or by the said Governor General of India in Council.

XII. And

ACT No. V. OF 1846.

Passed by the Hon'ble the President of the Council of India in Council on the 5th of December 1846, *with the assent of the Right Hon'ble the Governor General of India.*

An Act for placing the Police of Surat under the Magistrate.

WHEREAS it has been judged expedient that the Police jurisdiction of the City and Sudder Station of Surat should be vested in the Magistrate of the said Zillah:

It is hereby enacted, that so much of Clause 1st, Section 1, Regulation IV. of 1830 of the Bombay Code as reserves to the control of the Judge and his Assistants the Police jurisdiction of the City and Sudder Station of Surat, be repealed.

Calcutta, 1846:—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

said Agent with the aid of such Assistants as shall be appointed by the said Governor General of India in Council.

III. And it is hereby enacted, that it shall be competent to the said Governor General of India in Council to prescribe such Rules as he may deem proper for the guidance of the Agent aforesaid, and of all the Officers subordinate to his controul and authority, in all Judicial and Revenue proceedings, and to determine to what extent the decision of the Agent in Civil suits shall be final, and in what suits an appeal shall lie to the Sudder Dewanny Adawlut, and to define the authority to be exercised by the Agent in Criminal trials, and what cases he shall submit to the decision of the Nizamut Adawlut.

IV. And it is hereby enacted, that upon the receipt of any Criminal trials referred by the Agent under the Rules which may be hereafter prescribed by the said Governor General of India in Council, the Nizamut Adawlut shall proceed to pass a final judgment, or such other order as may after mature consideration, seem to the Court requisite and proper and in conformity with the prescribed rules.

V. And it is hereby enacted, that upon the receipt of any appeal from a decree of the Agent duly preferred under the Rules to be prescribed as aforesaid, the Court of Sudder Dewanny Adawlut shall proceed to try and determine it as to them may seem right and proper and in conformity with the prescribed rules.

Calcutta, 1846:—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. VII. OF 1846.

Passed by the Hon'ble the President of the Council of India in Council on the 5th of December 1846, *with the assent of the Right Hon'ble the Governor General of India.*

An Act regarding the Deposit of Diet Money for Witnesses in petty cases.

IT is hereby enacted, in modification of Clause 1, Section 2, Regulation III. 1812, of the Bengal Code, that in the Territories subject to the Presidency of Fort William in Bengal, it shall be lawful for the Magistrates to regulate the amount of Diet Money required for Witnesses in petty cases, with reference to the probable period such Witnesses may have to be in attendance, and in the event of the prolonged detention of Witnesses to direct the deposit of any further sum which to the said Magistrates may seem requisite.

Calcutta, 1846 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. VIII. OF 1846.

Passed by the Hon'ble the President of the Council of India in Council on the 5th of December 1846, *with the assent of the Right Hon'ble the Governor General of India.*

An Act for determining the duration of the existing Settlement of the North Western Provinces.

WHEREAS the settlement of the several Districts of the North Western Provinces has been made for different periods, and whereas from several causes the duration of the settlement as stated in the engagements of the Malgoozars does not always agree with that sanctioned by the Government, and whereas it is necessary to avoid the confusion and litigation which may hence arise, and also to provide for the continuance of the existing settlements till a fresh revision shall take place :

I. It is therefore hereby enacted, that the Jummah of all villages included on 1st May 1846, within the limits of the Districts in the said Provinces noted below, shall be considered fixed till the date inserted opposite

III. Provided always and it is hereby declared, that persons holding land on special grants or on leases for longer periods than those specified in Section I. shall continue to hold them according to the terms of their several grants or leases.

IV. And it is hereby enacted, that whenever a Malgoozar may be desirous to relinquish his lease on the expiration of the term of his engagement he shall be at liberty to do so, provided that he give notice thereof in open Court and in writing to the Collector and to the Commissioner of the Division within one year before the 1st of July immediately preceding the expiration of the engagement.

V. And it is hereby enacted, that when such notice shall not have been given as aforesaid, the Malgoozar shall be held bound to pay the Jummah determined at the time of settlement, or as it stands subsequently altered by Government prior to the 1st of May 1846, for the period which may be applicable to his case according to Section I., and subsequently from year to year till the settlement be revised, or in perpetuity according to Section II.

VI. Provided however, and it is hereby declared, that nothing in this Act shall bar the right of the Government to demand revenue from any resumed rent-free land, alluvial Towfeer, or other land which was not assessed at the time of settlement.

Calcutta, 1846 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. IX. OF 1846.

Passed by the Hon'ble the President of the Council of India in Council on the 5th December 1846, *with the assent of the Right Hon'ble the Governor General of India.*

An Act for authorizing the Government of Fort St. George to provide Regulations for the several Ports and Places of anchorage within the Territories subject thereto.

WHEREAS Act IV. of 1842, entitled an Act for the better management of Boats and Catamarans, in the Madras Roads, and for the amendment of certain Harbour Regulations, has been found by experience to operate beneficially; and whereas it is expedient that Regulations similar in principle to the provisions contained in the said Act, but varying in detail if local circumstances require such variation, should be provided for all Ports and other places of anchorage within the Territories subject to the Government of the Presidency of Fort St. George:

I. It is therefore hereby enacted, that the Governor in Council of Fort St. George may from time to time make, in respect of each Port or other Place of anchorage within the Territories subject to the Government of the said Presidency, such Regulations for the management of Boats and Catamarans and such other matters as are provided for by the said Act IV.

of

of 1842 in respect of the Madras Roads, as to them shall seem expedient, being similar in principle to the provisions contained in the said Act, but varying in detail, if local circumstances require such variation. And all such Regulations shall be submitted for confirmation or disallowance to the Governor General of India in Council, and every such Regulation shall have the force of Law after it shall have been confirmed by the Governor General of India in Council.

Calcutta, 1846 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. X. OF 1846.

Passed by the Hon'ble the President of the Council of India in Council on the 5th December 1846, *with the assent of the Right Hon'ble the Governor General of India.*

An Act for regulating the proceedings in certain cases of distraint for Arrears of Rent.

I. It is hereby enacted, in modification of Section 9, Regulation VII. of 1799, Section 9, Regulation V. of 1800, and Clause 2, Section 17, Regulation XXVIII. of 1803, all of the Bengal Code, that if any person not being such a defaulter as is therein mentioned or responsible for him, shall claim as his right property which has been distrained for arrears of rent due from the said defaulter, and shall within five days, reckoning from the day after attachment, enter into a bond before the Collector of the Zillah or the Commissioner appointed under Act I. of 1839, with good security binding himself to institute before the Collector within fifteen days from the date of such bond, a summary suit against the distrainer and defaulter for the trial of the right, and to restore the property or make good its value in case the claim be disallowed with all costs of suit and damages, the distrainer shall immediately withdraw the attachment.

II. Provided always and it is hereby enacted, that if the claimant shall not within the said fifteen days institute such summary suit, it shall be lawful

lawful for the distrainer to recover the value of the property distrained, together with the expences of the attachment, by attachment and sale of the personal property of the claimant, or his surety, or both, unless the claimant shall restore the property, or, if the distrainer prefer it, make good its value.

III. And it is hereby enacted, that no suit to set aside the summary award of the Collector under this Act, shall be brought after the expiration of one year from the date of such award.

Calcutta, 1846 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XI. OF 1846.

Passed by the Hon'ble the President of the Council of India in Council on the 12th of December 1846, with the assent of the Right Hon'ble the Governor General of India.

An Act for the exemption of certain Territory in the Province of Candeish and the Zillah Ahmednuggur from the operation of the General Regulations.

WHEREAS it has been deemed expedient to exempt from the jurisdiction of the Civil and Criminal Courts of the Bombay Presidency certain portions of the Purgunnahs of Nundoorbar, Sooltanpoor and Kookurmoondah in the Province of Candeish and the Zillah Ahmednuggur:

I. It is hereby enacted, that from and after the First day of February 1847, so much of Appendix A. of Regulation XXIX. of 1827 of the Bombay Code as declares the Villages contained in the Schedule annexed to this Act, and the lands attached thereto (being parts of the Purgunnahs of Nundoorbar, Sooltanpoor and Kookurmoondah, in the Province of Candeish and the Zillah Ahmednuggur) subject to the Regulations established for the administration of Civil and Criminal Justice in the Bombay Presidency, be repealed.

II. And

II. And it is heredy enacted, that from and after the said day the administration of Civil and Criminal Justice, the Superintendence of the Police and the Collection and Superintendence of the Revenues of every description within the said portions of Territory shall vest in such Agent to the Governor of Bombay as shall be appointed by the Governor of Bombay in Council, and shall be exercised by the said Agent with the aid of such Assistants as may be appointed by the said Governor in Council.

III. And it is hereby enacted, that it shall be competent to the said Governor in Council, by an Order in Council, to prescribe such rules as he may deem proper for the guidance of the Agent aforesaid and of all the Officers subordinate to his controul and authority, and to determine to what extent the decision of the Agent in Civil suits, shall be final and in what suits an appeal shall lie to the Sudder Dewanny Adawlut, and to define the authority to be exercised by the Agent in Criminal trials and what cases he shall submit to the decision of the Sudder Foujdaree Adawlut.

IV. And it is hereby enacted, that upon the receipt of any Criminal trials referred by the Agent under the Rules which may be hereafter prescribed by the Governor in Council, the Sudder Foujdaree Adawlut shall proceed to pass a final judgment, or such other order as may after mature consideration, seem to the Court requisite and proper in the same manner as if the trial had been sent up in ordinary course from a Session Judge.

V. And it is hereby enacted, that upon the receipt of any appeal from a decree of the Agent duly prepared under the Rules to be prescribed as aforesaid, the Court of Sudder Dewanny Adawlut shall proceed to try and determine it in the same manner as appeals from the Zillah Courts.

SCHEDULE.

List of Villages belonging to the Seven Mowass Chieftains in the Province of Candeish comprehended in the Purgunnahs of Nundoorbar, Sooltanpoor and Kookurmoondah.

Names of Chiefs.	*Inhabited.*	*Uninhabited.*
1. Gunput Sing Wulud Chundrusing Rana of Boodhawul.	Dekatee. Hulalpoor. Boodhawulee. Khooshguvhan. Ashté. Khar. Mendwur. Jamleegoora. Walheree. Boodhawul. Lobabhanee. Somawul Boojrook. Muthawul. Sherveé. Ekdhur. Relapara.	Nuwagaom. Somawul Khoord. Bho Bhat. Prutappoor. Nuwulpoor. Rajveera. Kullumbee Veeheer. Ghoghat. Ramgur. Pethapoor.
2. Oomed Wulud Luxoomun Parvee of Katee.	Katee. Bhugduree. Wunwa. Jamna. Beer. Samur. Kujal. Velkhooree. Mogreebar. Gorapeebar. Nulwunbara. Jagtee. Arootee, Kewuree. Chapree. Pandhreematee. Pimpurkhoota. Soorgus. Beejulguvhan. Balaghat. Vehugee. Chunwaee. Balkra. Gojeebara. Oghanee. Dunaee. Soorpanvavee. Suree. Kunkal. Koeelee veeheer. Sonachee pardee. Kakurpara. Ghutwanee. Rajmohee. Khutas Kharee. Khaee. Heeranee. Dab. Duhel. Mooreera. Waree. Kudwalee. Gudwanee. Bokharee. Polguvhan. Oomtee. Veree. Pimpurpan. Maeechamal. Mogree. Bumhunee. Somkharee. Ras. Ghuttula. Mogra. Moolgee. Bhurkoond.	Khutkoowa. Bamhungaon. Gullottè Khoord. Akul Koowa. Horapara. Ankooshee Veeheer. Guvhaneé. Peotee. Mojra. Dhankbaree. Kotlee. Muhan. Dhobreepeeta. Tullow. Cheekhlee. Ghora Devee. Koowa. Kolwee. Kolweechmal. Nendwun. Patpara. Kulmunda. Wurphullee. Bhutaree. Poke Khara.

Names.	*Inhabited.*	*Uninhabited.*
2. Oomed Wulud Luxoomun Parvee of Katee.—*(Continued.)*	Oomla. Raool K Sendree. Kookreepadur. Kujanee. Honakhamb. Gulloté Boojrook. Nuwagaon. Gungapoor. Kewara Mohee.	
3. Oomed Wulud Pacha Parvee of Nal.	Goolyamba.	Nal. Veerpoor. Nuwagaon. Sane Veeheer. Jeeree Sawur. Tunuk Molee.
4. Bickna Wulud Raila Parvee of Singpoor.	Singpoor Boojrook. Singpoor Khoord.	Babhulpoor.
5. Khafia Wulud Nana Wulwee Bheel of Guvhallee.	Guvhalee. Bar. Pechreedo. Kakriamba. Hatwaryawur. Morkee. Nagur Motee. Rajkoora. Raisingpoora. Oodun. Bhereevoa.	Pandhreepara. Doduv. Lalpoor. Korkher. Khurkoond. Bukhtar. Pala. Bhooyuvao. Kakurkhore. Rajnee. Khoord Muhookha ree. Koowurvao. Talamba. Wurkoond. Koomree. Khurgia Moramba. Boreeguvhan. Bhometee. Kalamba. Phooiwaree. Kelwun. Bhoee Kuruj Dorkee. Jamwa. Gotpara. Joojuv. Ookhulsar. Rajneebara. Ambabar. Borkee Dokhee. Matha Koond. Gugriamba. Lalbhurdee. Joonatana. Moramba. Kadlee. Gondwun. Ghora. Mandara Khoord. Mandara Boojrook. Bhogwur. Goojee.

Names.	Inhabited.	Uninhabited
5. Khatia Wulud Nana Wulwee Bheel of Guvhallee.—(*Continued.*)		Shindguvhan. Kaniamba. Mograpana. Kulewurkhoord. Rampoora. Koonda. Joonwun. Boogniamba. Sheengwun. Kaniamba. Kondwapara. Kanapara. Kotara. Pardee. Keoreebar. Bhoocra. Guvhan. Koradevee. Jumkhoot. Amleeguvhan. Mathamba. Matha Mogur. Mata Tana. Oodapoor.
6. Koowur Wusawa Wulud Jeewa Wusawa Bheel of Cheekhlee.	Cheekhlee. Jheereebera. Pateepara. Chatoopara. Raneepoora. Khapur. Gungthé. Lugree. Jaolee. Kolee wara. Pulas wara. Ooman.	Jhapa Amlee. Khanora. Kokteepara. Khuyerpara. Chanpoor. Oomranee. Wurgaon. Chotee Ruralee. Bramhungaom. Kuvleeguvhan. Bholwur. Dhabra. Mendee. Kenwura. Khekwur. Dabreeamba. Augut. Rethee. Chapteepara. Rajneewar. Oomanee. Nuwagaon. Nucen Sevree. Nevree. Oonjia.
7 Raja Wulud Veslia Parvee.		Sojdan Nuwulpoora.

ABSTRACT.

	Names of Chieftains.	Inhabited.	Uninhabited.	Total Villages.
1	Gunput Sing, Wulud Chandru Sing Rana, of Bhoodawul,.....	16	10	26
2	Oomed Wulud Luxoomun Parvee of Katee,.....	71	25	96
3	Omed Wulud Pacha Parvee of Nal,.....	1	6	7
4	Bhickna Wulud Raila Parvee of Singpoor,.....	2	1	3
5	Khatia Wulud Nana Wulwee Bheel of Guvhallee,	11	70	81
6	Koowar Wussawa Wulud Jeewa Wussawa Bheel of Cheekhlee,.....	12	25	37
7	Raja Wulud Veslia Parvee,....	0	2	2
	Total,.....	113	139	252

Calcutta, 1846 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

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,, Suits against Government relating to matters concerning this Act inadmissable, except as regards the proprietary right to Islands.	,,	IX.		
Luckimpore — District of— when last surveyed. ..... (See Lands.)	,,	IV.		
M.				
Magistrate — Governor in Council may appoint a Company's Military Officer as—in any Zillah..... (See Assistant Magistrate.)	IV.	.....	.....	Madras.
Malacca—(See Convicts.)				
Mauritius—Emigration to— from Madras—(See Emigration.)				
Midnapore—District of—except Hidgellee and Tumlook—when last Surveyed. (See Lands.)	IX.	IV.		
Military Law—(See Articles of War.)				

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1847.			
Military Officers in the Company's Service may be appointed Magistrates and Assistant Magistrates in any zillah within the Madras Presidency.	IV.			
Moonsiffs exempted from fines.....	XII.	.....	.....	Bengal and N. W. Provs.
Municipal Laws. (See Calcutta.)				
N.				
Native Officers and Soldiers. (See Articles of War.)				
Non-Regulation Provinces—Provision made for the confinement within the Provincial Jails, of Prisoners on whom sentence may have been passed by Courts in the— (See Jails.)				
O.				
Offenders when sentenced by Courts to imprisonment for life shall be at the same time sentenced to transportation beyond Sea.....	X.	.....	.....	Gen
P.				
Patna—District of — when last surveyed—(See Lands.)	IX.	IV.		

Peace

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1847.			
Peace Officers in the Straits Settlements—(See Constables.)				
Pergunnah Furkyah in the District of Monghyr when last Surveyed. (See Lands.)	IX.	IV.		
Plaints—Transcripts of—repealing parts of Sec. III. Reg. IV. 1793, and Sec. III. Reg. III. of 1803 relating to..... (See Regulations.)	XIV.	.....	.....	Bengal.
Prince of Wale's Island. (See Convicts.)				
Prisoners sentenced to imprisonment for life made also subject to transportation beyond Sea.	X.	.....	.....	General.
,, Sentenced by Courts established by the Governor General in Council in Territories not subject to the Presidencies or within non-Regulation Provinces, may be confined in the Company's Jails within the Company's Territories. (See Jails.)				
Printed Works — (See Copyright.)				
R.				
Registration of Deeds by persons not duly appointed as Register, legalized.....	XVIII.	I.	.....	General.

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1847.			
Registration made on other than the Court days, legalized.....	XVIII.	II.		
Regulations of the Bengal Code as relate to assessment of Lands gained from Sea or Rivers shall cease to have effect hereafter ... (See Alluvial Lands, Survey, and Lands.)	IX.	.....	.....	Bengal.
Regulation XXIII. of 1814, Clause III. Sec. IX. and part of Sec. LXVII. of—repealed.	XII.	.....	.....	Bengal and N. W. Provs.
„ IV. of 1793—part of Sec. III. of—repealed.....	XIV.	.....	.....	„
„ III. of 1803—parts of Sec. III. of—repealed.....	„	.....	.....	„
Rents—Arrears of Small—of premises in Calcutta how to be recovered by distress. (See Distraining Bailiffs.)				
Revenue Surveys of Districts. (See Lands.)				
S.				
Sarun—District of—when last surveyed.—(See Lands.)..	IX.	IV.		
Seebpore—District of—when last surveyed. (See Lands.)	„	„		
Shahabad—District of—when last surveyed. (See Lands.)	„	„		
Singapore. (See Convicts.)				
Soldiers—Native—(See Articles of War.)				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1847.			
Stealing—Period of transportation for—as provided in Act XXXI. of 1838, Sec. XVII. modified. (See Transportation.)				
Straits Settlements—appointment of Constables and Peace Officers at the—(See Constables.)				
„ Convicts may be received in the — from Hong Kong.....	XI.			
(See Convicts.)				
Subordinate Peace Officers in the Straits Settlements. (See Constables.)				
Sudder Ameens exempted from Fines.....	XII.	.....	.....	Bengal and N. W. Provs.
Suits—Defaults in the prosecution of—(See Defaults.)				
Supreme Court at Bombay—any one of the Judges of the—may sit apart from the other Judge or Judges for the dispatch of Criminal business	XXI.	I.	.....	Bombay.
„ May transact business out of Term.....	„	II.		
Surveys of Districts hereafter made when to be deemed as completed.....	IX.	IV.		
Survey of Lands within Calcutta by an Officer who				

may

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1847.			
may invite Owners and Occupiers of lands to appear before him.	XV.	I.	.....	Calcutta.
Survey of Lands—Power and duty of such Officer or his Subordinates in making the survey.	,,	II.		
,, Penalty for persons obstructing or molesting such Officers.	,,	III.		
,, Owners or Occupiers of lands may be summoned by the Surveying Officer by a special notice to each. Persons objecting to produce any Title Deeds shall not be required to do so.	,,	IV.		
,, Persons may be summoned to appear before the Surveying Officer as Witnesses. In default of attendance or refusing to give evidence such witnesses how to be dealt with.....	,,	V.		
,, Surveying Officer may swear the witnesses by oath or affirmation or solemn declaration.....	,,	VI.		
,, Persons giving false evidence shall be guilty of perjury.	,,	VII.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
T.	1847.			
Taxes—(See Calcutta.)				
Transcription of Plaints—Regulations relating to—(See Plaints.)				
Transportation beyond Sea—Offenders sentenced by Courts not included in Act XIV. of 1844 to imprisonment for life also made subject to—	X.	.....	.....	General.
„ Act XXXI. of 1838 Sec. XVII. as provides for the minimum period of—for offences therein mentioned, repealed.	XXIII.	.....	.....	H. M.'s Courts.
Tumlook—in the District of Midnapore—when last surveyed.....	IX.	IV.		
(See Lands.)				

W. Ridsdale, Bengal Military Orphan Press.

ACT No. I. OF 1847.

Passed by the Hon'ble the President of the Council of India in Council on the 30th of January 1847, with the assent of the Right Hon'ble the Governor General of India.

An Act for the establishment and maintenance of Boundary Marks in the North Western Provinces of Bengal.

WHEREAS it is desirable with a view to the better definition and security of landed property, the prevention of encroachments and disputes, and the identification of lands assessed to, or exempted from, the Public Revenue, that provision should be made for the establishment and maintenance of permanent marks to distinguish the boundaries of Fields or Estates:

I. It is hereby enacted, that it shall be lawful within the Territories subject to the Government of the North Western Provinces of Bengal, for Collectors of Land Revenue, or persons exercising the powers of Collector, or such Revenue Officers as the Lieutenant Governor may entrust with that authority, to fix the boundaries of Fields or Estates, and to require that marks be formed and maintained by the owners or occupants on the boundaries, of such materials and in such number and manner as may appear to such Officers sufficient for distinguishing

distinguishing the limits of those Fields or Estates whenever they may be of opinion that such demarcation is necessary for the prevention or adjustment of disputes.

II. And it is hereby enacted, that notices shall be served on the persons owning or occupying the conterminous Fields or Estates requiring them to form or repair the said boundary marks within ten days from the date of the notice, and in the event of these persons not being found in the Village that the said requisition shall be posted at the Village Chowree or Chopal, or other conspicuous place in the Village, which shall be held to be a sufficient service, notwithstanding it may afterwards appear that the owners or occupants were not correctly named or designated in the notice.

III. And it is hereby enacted, that in default of the owners or occupants of the Fields or Estates complying with the requisition, the said Revenue Officers shall give directions for the erection and repair of such boundary marks, the cost of which shall be equitably apportioned on the Fields or Estates which they serve to distinguish, and shall be charged to the persons possessing a right of ownership or occupancy in such Fields or Estates, and shall be realized in the same manner as arrears of land revenue.

IV. And it is hereby enacted, that any person who may be convicted of wilfully erasing, removing or injuring such boundary marks, shall be liable to a fine not exceeding Fifty Rupees for each mark so erased, removed or injured; one half of which fine may be awarded on conviction to the informer, and the other half shall be chargeable with the cost of restoring the mark; whenever it may not be possible to detect the person who erased, removed or injured the boundary marks as aforesaid, the marks shall be re-erected or repaired at the charge of

one

one or both parties, as the Collector or other Officer authorized to make the demarcation may consider just and equitable.

V. And it is hereby enacted, that disputed boundaries shall be fixed by Revenue Officers under the powers and in the manner prescribed in Regulations VII. 1822 and IX. of 1833, and shall be similarly open to appeal.

VI. And it is hereby enacted, that Magistrates are prohibited from taking cognizance under Act IV. of 1840 of boundary disputes of the nature for which provision is here made, but whenever they have reason to apprehend any breach of the peace in consequence of a disputed boundary, they shall certify the circumstances to the Collector of Land Revenue, who shall be bound immediately to mark off the boundary in the mode here indicated, and to uphold the possession of the parties according to the demarcation.

Calcutta, 1847.—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. II. OF 1847.

Passed by the Hon'ble the President of the Council of India in Council on the 13th of February 1847, with the assent of the Right Hon'ble the Governor General of India.

An Act to declare the meaning and extent of certain words in Act V. of 1840.

WHEREAS by Section IV. of Act V. of 1840, it was amongst other things provided, that the said Act should not extend to any declaration or affirmation made in any of Her Majesty's Courts of Justice, and doubts have arisen whether the words "Her Majesty's Courts of Justice" mean and extend to the Courts of the Justices of the Peace—

It is hereby declared and enacted, that the words "Her Majesty's Courts of Justice" in the said Act shall be deemed not to have meant nor extended to, and not to mean nor extend to the Courts of the Justices of the Peace.

Calcutta, 1847.—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. III. OF 1847.

Passed by the Hon'ble the President of the Council of India in Council on the 19th of February 1847, with the assent of the Right Hon'ble the Governor General of India.

An Act to provide for the appointment of Constables and Peace Officers at the Settlements in the Straits.

WHEREAS by the Letters Patent for the establishing Her Majesty's Court of Judicature at Prince of Wales' Island, Singapore and Malacca, His late Majesty King George the Fourth, amongst other things authorized and empowered the said Court at their General and Quarter Sessions from time to time to nominate and appoint such persons as the said Court should see fit to be and act as Constables, or to perform the duties performed by Constables and Subordinate Peace Officers in that part of his United Kingdom called England as nearly as the different religions, customs and manners of the different inhabitants of the said Settlements and places should require or would admit, and His said late Majesty authorized and empowered the said Court to direct that the said Constables and other Subordinate Peace Officers should have and exercise their authority in and over any particular District or Districts, or any particular class or classes, tribe or tribes of the inhabitants

of

of the said Settlements of Prince of Wales' Island, Singapore and Malacca and places aforesaid as the said Court should see fit. And His said late Majesty authorized and empowered the said Court to compel all and every such persons to serve the said offices to which they should be appointed in like manner as persons may be compelled to serve the office of Constable within that part of His United Kingdom called England so far as the religions, customs and manners of such persons would admit, and that before they should enter upon their respective offices they should respectively take before the said Court the oath of allegiance, and an oath well and faithfully to execute the same without favour or partiality, malice or hatred:

And whereas it is expedient that all Constables and Subordinate Peace Officers and other persons appointed to perform the duties of Police should receive pay in remuneration for the performance of their duties:

And whereas by the 13th Section of Act XII. of 1839, it was enacted that out of the Funds collected from the Assessment and Taxes leviable under that Act provision should be made in conformity with such instructions as might from time to time be issued by the Governor of Bengal for the efficient watching, cleansing, lighting and repairing of the Streets and Thoroughfares in the Towns of George Town, Singapore and Malacca, and for the making and repairing of Roads and Bridges, and the effecting of other purposes necessary for the comfort and protection of the inhabitants of the incorporated Settlement therein aforesaid:

And whereas it is expedient that all Constables and Subordinate Peace Officers and other persons appointed to perform duties of Police should be appointed by the authorities from whom they receive their pay and by no other:

I. It is therefore hereby enacted, that from and after the 19th day of March 1847, no Constable or Subordinate Peace Officer or other person

person appointed to perform duties of Police shall be appointed by the said Court at their General and Quarter Sessions or otherwise.

II. And it is hereby enacted, that the Deputy Superintendent of Police and every Constable and Subordinate Peace Officer and other person appointed to perform duties of Police except the Superintendent of Police shall be appointed by the Governor of Prince of Wales' Island, Singapore and Malacca, and that the Superintendent of Police shall continue to be appointed as heretofore by the Governor of Bengal.

Calcutta, 1847.—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. IV. OF 1847.

Passed by the Hon'ble the President of the Council of India in Council on the 10th of April 1847, with the assent of the Right Hon'ble the Governor General of India.

An Act to authorize the Governor in Council of Fort St. George to appoint any Military Officer a Magistrate.

IT is hereby enacted, that from and after the First day of May 1847, it shall be competent to the Governor in Council of Fort St. George to appoint any Military Officer in the service of the East India Company, a Magistrate or an Assistant Magistrate in one or more Zillahs, and to confer on any Assistant Magistrate, by a special order, any of the powers of a Magistrate, any Law or Regulation to the contrary notwithstanding.

Calcutta, 1847.—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. V. OF 1847.

Passed by the Hon'ble the President of the Council of India in Council on the 10th April 1847, with the assent of the Right Hon'ble the Governor General of India.

An Act to facilitate the execution of the sentences of Courts established by the authority of the Governor General in Council for the administration of Criminal Justice in States or Territories administered by Officers acting under the authority of the East India Company.

I. IT is hereby enacted, that within the Territories subject to the Government of the East India Company and without the local limits of the jurisdiction of Her Majesty's Courts of Judicature, the several Officers in charge of Jails shall be competent to give effect to any sentence that may be passed by any Court established or that may be established by the authority of the Governor General of India in Council for the administration of Criminal Justice in States or Territories administered by Officers acting under the authority of the East India Company, although such States or Territories are not subject to the Government of any one of the Presidencies of Fort William in Bengal, Fort St. George or Bombay, or are not subject to the operation of the General Regulations.

II. And

II. And it is hereby enacted, that a warrant under the Official Seal and Signature of the Officer or Officers exercising Criminal jurisdiction within such States or Territories as aforesaid shall be sufficient authority for holding any prisoner in confinement, or for transmitting any prisoner for transportation beyond Sea, or for inflicting any other punishment prescribed therein.

III. And it is hereby enacted, that if any Officer in charge of a Jail shall entertain any doubt as to the legality of any warrant sent to him for execution under this Act, or as to the competency of the person or persons whose Official Seal and Signature may be affixed thereto to pass the sentence and issue such warrant, such Officer shall refer the matter to the Government to which he is subject, by whose order on the case such Officer and all other public Officers shall be guided as to the future disposal of the prisoner, and that pending any such reference, the prisoner shall be detained in custody in such manner and with such restrictions or mitigations as may be specified in the warrant.

IV. And it is hereby enacted, that the provisions of the existing Acts and Regulations, and all other rules in force for the treatment and security of prisoners confined in the said jails, shall apply and be of equal force and effect in the case of prisoners confined therein under this Act as in the case of other prisoners confined therein.

Calcutta, 1847.—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. VI. OF 1847.

Passed by the Hon'ble the President of the Council of India in Council on the 1st May 1847, with the assent of the Right Hon'ble the Governor General of India.

An Act for establishing a Copper Currency in the Settlements of Penang, Singapore and Malacca.

I. IT is hereby enacted, that from and after the date of the passing of this Act the provisions of Acts XXI. of 1835 and XXII. of 1844, shall not be deemed to apply to Copper Currency of the Settlements of Penang, Singapore and Malacca.

II. And it is hereby enacted, that from and after the 1st day of January 1848, the following Copper Coins only shall be received at or issued from any Government Treasury within the said Settlements:

1. A cent. weighing 144 grains troy.
2. A half cent. weighing 72 grains.
3. A quarter cent. weighing 36 grains.

III. And it is hereby enacted, that from and after the date of the passing of this Act the said cent. shall be legal tender throughout the said Settlements for $\frac{1}{100}$ of a Dollar and the said half cent. for $\frac{1}{200}$ of a Dollar, and the said quarter cent. for $\frac{1}{400}$ of a Dollar.

IV. Provided

IV. Provided always and it is hereby enacted, that none of the said Coins shall be legal tender except for fractions of a Dollar.

V. And it is hereby enacted, that after the 1st day of January 1848, no other Copper Coins or Tokens than those specified in Section II. of this Act shall be legal tender of payment for the fractional parts of a Dollar within the said Settlements.

VI. And it is hereby enacted, that with the exception of the Copper Coins specified in Section II: of this Act the circulation in the said Settlements after the said day of all Copper Coins or Tokens not being the authorized legal Coinage of any British or Foreign Government is prohibited.

VII. And it is hereby enacted, that after the said day any person who shall circulate, or attempt to circulate, in the said Settlements, any Copper Coins or Tokens other than those specified in Section II. of this Act, and not being the authorized legal Coinage of any British or Foreign Government shall on summary conviction before a Magistrate be liable to a fine not exceeding Ten Rupees and in default of payment any person so convicted shall be subject to imprisonment for a term not exceeding one month.

VIII. And it is hereby enacted, that it shall be competent to the Governor General in Council in his executive capacity to direct the coining and issuing, and to prescribe the devices and inscriptions of the Coins to be issued under the authority of this Act.

Calcutta, 1847.—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. VII. OF 1847.

Passed by the Hon'ble the President of the Council of India in Council on the 1st May 1847, with the assent of the Right Hon'ble the Governor General of India.

An Act to regulate Distresses for Small Rents in Calcutta.

I. IT is hereby enacted, that it shall be lawful for the Commissioners of the Court of Commissioners for the Recovery of Small Debts in and for the Settlement of Fort William in Bengal to appoint four or more persons to be Bailiffs and Appraisers for the purposes of this Act, and to fix such remuneration for the services of the said Officers as shall appear to the said Commissioners expedient, and that such persons shall be duly sworn before the said Commissioners, and shall also give security to be approved by the said Commissioners faithfully to discharge the duties of their office, and that the said Commissioners shall have power to suspend or remove such persons so appointed, provided that it shall be lawful for the said Commissioners to appoint the Bailiffs who may be attached from time to time to the said Court to the office of Distraining Bailiffs and Appraisers for the purposes of this Act, and to award to the said Officers such remuneration in addition to their respective salaries drawn from the said Court as to the said Commissioners shall appear expedient.

II. And

II. And it is hereby enacted, that it shall be lawful for any Commissioner of the said Court upon the Affidavit in the Form contained in the Schedule to this Act annexed (marked D) of any party claiming to be entitled to arrears of rent of any House or Premises situate in Calcutta not exceeding the amount of 100 Rupees, or in case of absence of such party from Calcutta, or in case of respectable females who do not appear in public, upon the Affidavit of the Constituted Attorney of such party stating the amount of such arrears and for what time and at what rate the same became due, to issue a warrant under his hand and seal in the Form contained in the Schedule to this Act annexed (marked A) addressed to any one of such Officers directing him to levy the amount of such rent, together with the costs of the said distress in the manner therein mentioned, provided that it shall be lawful for any of the said Commissioners upon personal examination of the party applying for such warrant to grant or withhold the same at the discretion of the said Commissioner.

III. And it is hereby enacted, that by virtue of such warrant it shall be lawful for such Officer to seize the whole or such part of the Goods and Chattels upon the said Premises as shall be sufficient to cover the amount of the said rent, together with the costs of the said distress, and that he shall thereupon make an Inventory of the Goods and Chattels so seized, and shall give a notice in writing in the Form in the Schedule to this Act annexed (marked B) to the party from whom such rent is claimed to be due, or to any other person upon behalf of such party upon the said Premises that the said Goods and Chattels will be appraised and sold in manner therein mentioned. And that the said Officer shall file in the said Court true copies of the said Inventory and Notice, provided that it shall be lawful for the party from whom such rent is claimed to be due, at any time within five days from such seizure, to apply to any Commissioner of the said Court to discharge or suspend such warrant, and it shall be lawful for such Commissioner

missioner to discharge or suspend such warrant accordingly, with or without costs, provided always that it shall be lawful for any of the said Commissioners in his discretion to give reasonable time to such party to pay the said rent.

IV. And it is hereby enacted, that in default of such application, it shall be lawful for any two of such Officers at the expiration of five days from such seizure to appraise the Goods and Chattels so seized, and to give notice in writing in the Form in the Schedule to this Act annexed (marked E.) of the sale thereof at such time and place as they shall direct, after an interval of not less than two days, and that they shall file in the said Court a true copy of the said Notice, and that the same shall be sold accordingly, and that the said Officers shall forthwith after realization of the produce of the said sale, pay over the amount thereof to the Chief Clerk of the said Court, and the amount of such produce shall be applied in satisfaction of the sum claimed to be due, together with the costs of the said distress, and that the surplus, if any, shall be returned to the party from whom the said rent was claimed to be due, provided that it shall be lawful for such party to direct that such sale shall take place in any other manner, such party giving security for any extra costs attending such mode of sale.

V. And it is hereby enacted, that no costs shall be taken or demanded for such distress except those contained in the Schedule to this Act annexed (marked C.), and that it shall be lawful for the said Commissioners to apply the sum so raised as costs towards the payment of the contingent charges and remuneration of the said Bailiffs and Appraisers as shall appear to the said Commissioners expedient, and that the Chief Clerk of the said Court shall keep a book in which all sums received as costs upon distresses made under the provisions of this Act, and all sums paid as remuneration to the said Bailiffs and Appraisers, and all contingent charges incurred in respect of such dis-

tressess

tressess shall be duly entered, and that the Chief Clerk of the said Court shall also enter in the said book all sums realized by sale of the Goods and Chattels distrained and paid over to the Landlords under the provisions of this Act.

VI. And it is hereby enacted, that after the passing of this Act no distress shall be levied for arrears of rent amounting to Rupees 100, or less, except under the provisions of this Act, and that any person, except such Officer as appointed, levying or attempting to levy any such distress shall be guilty of a misdemeanor and shall be liable to be punished by fine and imprisonment for the same in addition to any other liability he may have incurred by such trespass.

VII. And it is hereby enacted, that this Act shall not extend to any arrears of rent exceeding 100 Rupees, nor in respect of any House or Premises situate out of Calcutta, nor to any rent due to Government, nor to any seizure except on the Premises in respect of which such rent is claimed.

A.

In the Court of Commissioners for the Recovery of Small Debts in and for the Settlement of Fort William in Bengal.

Form of Warrant.

I hereby direct you to distrain the Goods and Chattels on the Premises of A. B., situate in ——— in the Town of Calcutta, for the sum of —— Rs., being the amount of ——— months' rent due to C. D.,

for

for the same on the ——— day of ——— last according to the provisions of the Act No. VII. of 1847. Dated 1st day of May.

(Signed and Sealed)

To E. F., *Sworn Bailiff and Appraiser.*

B.

In the Court of Commissioners for the Recovery of Small Debts in and for the Settlement of Fort William in Bengal.

Form of Inventory and Notice.

(State particulars of Goods seized.)

Take Notice that I have this day seized the Goods and Chattels contained in the above Inventory for the sum of —— Rs., being the amount of ——— months' rent due to C. D., at —— last, and that unless you pay the amount thereof, together with the Costs of this Distress within five days from the date hereof, or obtain an order from one of the Commissioners of the Court of Requests to the contrary, the same will be appraised and sold pursuant to the provisions of the Act No. VII. of 1847.

(Signed) E. F.,

Sworn Bailiff and Appraiser.

To A. B.

C.

C.

In the Court of Commissioners for the Recovery of Small Debts in and for the Settlement of Fort William in Bengal.

Scale of Fees to be levied in Distraints for House Rent.

Sums sued for.	Affidavit and Warrant to Distrain.	Order to Sell.	Commission.	Total.	Remarks.
1 and under 5 Rs.....	4 Annas,.....	8 Annas,.....	8 Annas,.....	Rs. 1 4	
5 and under 10 Rs.....	8 Annas,.....	8 Annas,.....	Rs. 1-0,.....	„ 2 0	
10 and under 15 Rs.....	8 Annas,.. ...	8 Annas,.....	Rs. 1-8,.....	„ 2 8	
15 and under 20 Rs.....	8 Annas,.....	1 Rupee,.....	Rs. 2-0,.....	„ 3 8	
20 and under 25 Rs.....	12 Annas,.....	1 Rupee,.....	Rs. 2-8,.....	„ 4 4	
25 and under 30 Rs.....	1 Rupee,.....	1 Rupee,.....	Rs. 3-0,.....	„ 5 0	
30 and under 35 Rs.....	1 Rupee,.....	1 Rupee,.....	Rs. 3-8,.....	„ 5 8	
35 and under 40 Rs.....	1 Rupee,.....	Rs. 1-8,.....	Rs. 4-0,.....	„ 6 8	
40 and under 45 Rs.....	Rs. 1-4,.....	Rs. 2-0,.....	Rs. 4-8,.....	„ 7 12	
45 and under 50 Rs.....	Rs. 1-8,.....	Rs. 2-0,.....	Rs. 5-0,.....	„ 8 8	
50 and under 60 Rs.....	Rs. 2-0,.....	Rs. 2-0,.....	Rs. 6-0,.....	„ 10 0	
60 and under 80 Rs.....	Rs. 2-8,.....	Rs. 2-8,.....	Rs. 6-8,.....	„ 11 8	
80 to 100 Rs.....	Rs. 3-0,.....	Rs. 3-0,.....	Rs. 7-0,.....	„ 13 0	

The above scale is intended to include all expences except in Suits where the Tenant disputes the Landlord's claim, and Witnesses have to be subpœna'd, in which case, each Subpœna for sums under Rs. 40 must be paid for at 4 Annas each, and 12 Annas above that amount—and also where Peons were kept in charge of property distrained, 4 Annas per day must be paid per man.

D.

In the Court of Commissioners for the Recovery of Small Debts in and for the Settlement of Fort William in Bengal.

A. B. —— (Plaintiff,)

versus

C. D. —— (Defendant.)

A. B.,

A. B., Inhabitant of ————————, in the Town of Calcutta, —— ——— maketh oath and saith, that C. D. ———————— who is also an Inhabitant of the Town of Calcutta, is justly indebted to ——— —— in the sum of Company's Rupees ———————— for arrears of rent of the House and Premises No. ——, situated at ————————, in the Town of Calcutta, due for ——— month, to wit from ——— to ————————, at the rate of Co.'s Rs. ——— per mensem.
Sworn before me the ————————day of———184———

Commissioner.

E.

In the Court of Commissioners for the Recovery of Small Debts in and for the Settlement of Fort William in Bengal.

Take Notice that we have appraised the Goods and Chattels seized on the ————————, under the provisions of the Act No. VII. of 1847, of which a Notice and Inventory had been duly served upon you under date the ————————, and that the said Goods and Chattels will be sold on the ———————— at ————————pursuant to the provisions of the said Act.

(Signed) E. F.,

G. H.,

To A. B. *Sworn Bailiffs and Appraisers.*

Calcutta, 1847.—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. VIII. OF 1847.

Passed by the Hon'ble the President of the Council of India in Council on the 8th May 1847, *with the assent of the Right Hon'ble the Governor General of India.*

An Act for rendering lawful the Emigration of Laborers from the Port of Madras, in the Presidency of Fort St. George, to Mauritius.

IT is hereby enacted, that from and after the passing of this Act emigration to Mauritius may lawfully take place under the provisions of the Act No. XV. of 1842, from the Port of Madras as well as from the Port of Calcutta.

II. And it is hereby enacted, that it shall be competent to the Governor in Council of Fort St. George to nominate a proper person to act as Protector of Emigrants at Madras, and that no Emigrant shall be permitted to embark without a Certificate from the Agent appointed by the Government of Mauritius, countersigned by the Protector, to the effect that such person has been engaged by him as an Emigrant to that Island on the part of the said Government.

Calcutta, 1847.—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. IX. OF 1847.

Passed by the Hon'ble the President of the Council of India in Council on the 8th of May 1847, with the assent of the Right Hon'ble the Governor General of India.

An Act regarding the Assessment of Lands gained from the Sea or from Rivers by alluvion or dereliction within the Provinces of Bengal, Behar and Orissa.

I. IT is hereby enacted, that such parts of the Regulations of the Bengal Code as establish tribunals and prescribe rules of procedure for investigations regarding the liability to assessment of lands gained from the sea or from rivers by alluvion or dereliction, or regarding the right of Government to the ownership thereof, shall from the date of the passing of this Act cease to have effect within the Provinces of Bengal, Behar and Orissa; and that all such investigations pending before the Collectors and Deputy Collectors in the said Provinces at the said date, shall forthwith be discontinued; and that no measures shall hereafter be taken for the assessment of such lands, or for the assertion of the right of Government to the ownership thereof, except under the provisions of this Act.

II. And it is hereby enacted, that the expression "Province of Orissa" in this Act shall be taken to mean only so much of the Province of Orissa as is subject to the Government of Bengal.

III. And

III. And it is hereby enacted, that within the said Provinces it shall be lawful for the Government of Bengal in all districts or parts of districts of which a revenue survey may have been or may hereafter be completed and approved by Government, to direct from time to time, whenever ten years from the approval of any such survey shall have expired, a new survey of lands on the banks of rivers and on the shores of the sea, in order to ascertain the changes that may have taken place since the date of the last previous survey, and to cause new maps to be made according to such new survey.

IV. And it is hereby enacted, that the approval of the revenue surveys of the following districts and parts of districts shall be deemed to have taken place on the undermentioned days, viz.

Of the district of Chittagong on the Sixth day of September 1842.

Of the district of Behar on the Ninth day of November 1844.

Of the district of Patna on the Twenty-second day of June 1844.

Of the district of Shahabad on the Twenty-eighth day of November 1846.

Of the district of Sarun on the Eighteenth day of February 1847.

Of Pergunnah Furkyah, in the district of Monghyr, on the Nineteenth day of September 1839.

Of the Northern division of the Province of Cuttack on the Twenty-fourth day of October 1842.

Of the central division of the Province of Cuttack on the Twenty-second day of February 1843.

Of the Southern division of the Province of Cuttack on the Nineteenth day of October 1842.

Of the district of Midnapoor, except Hidgellee and Tumlook, on the Twelfth day of September 1845.

Of Hidgellee and Tumlook, in the district of Midnapoor, on the Fifth day of October 1842.

Of the district of Cachar on the Fifth day of February 1844.

Of Jynteeah and the Pergunnahs of Chapghat, Echamuttee, Ittisamnuggur and Bhurrun, in the district of Sylhet, on the Fifth day of February 1844.

Of the district of Gwalparah on the Twenty-fourth day of December 1842.

Of the district of Luckimpore on the Tenth day of November 1845.

Of the district of Seebpoor on the Eighth day of May 1843.

And that the approval of the revenue surveys of districts or parts of districts which may be hereafter surveyed, shall be deemed to have taken place on such day as may be specified as the day of such approval in the Calcutta Government Gazette.

V. And it is hereby enacted, that whenever on inspection of any such new map it shall appear to the Local Revenue Authorities that land has been washed away from or lost to any Estate paying revenue directly to Government, they shall without loss of time make a deduction from the sudder jumma of the said Estate equal to so much of the whole Sudder Jumma of the Estate as bears to the whole the same proportion as the Mofussil Jumma of the land lost bears to the Mofussil Jumma of the whole Estate; but if the Mofussil Jumma of the whole Estate or of the land lost cannot be ascertained to the satisfaction of the Local Revenue Authorities, then the said Local Revenue Authorities shall make a deduction from the Sudder Jumma of the Estate equal to so much of the whole Sudder Jumma of the Estate as bears to the whole the same proportion as the land lost bears to the whole Estate. And this deduction with the reasons thereof shall be forthwith reported by the Local Revenue Authorities for the information and orders of the Sudder Board of Revenue, whose orders thereupon shall be final.

VI. And it is hereby enacted, that whenever on inspection of any such new map it shall appear to the Local Revenue Authorities that

that land has been added to any Estate paying revenue directly to Government, they shall without delay assess the same with a revenue payable to Government according to the rules in force for assessing alluvial increments, and shall report their proceedings forthwith to the Sudder Board of Revenue whose orders thereupon shall be final.

VII. And it is hereby enacted, that whenever on inspection of any such new map it shall appear to the Local Revenue Authorities that an Island has been thrown up in a large and navigable river liable to be taken possession of by Government under Clause Third, Section 4, Regulation XI. 1825, of the Bengal Code, the said Local Revenue Authorities shall take immediate possession of the same for Government and shall assess and settle the land according to the rules in force in that behalf, reporting their proceedings forthwith for the approval of the Sudder Board of Revenue, whose orders thereupon in regard to the assessment shall be final. Provided however that any party aggrieved by the act of the Revenue Authorities in taking possession of any Island as aforesaid shall be at liberty to contest the same by a regular suit in the Civil Court.

VIII. And it is hereby enacted, that nothing in this Act contained shall affect suits for the assessment or for establishing the right of Government to the ownership of alluvial lands now pending in appeal before the Special Commissioners, or such as having been decided by the Lower Resumption Courts are at the date of the passing of this Act open to appeal to the Court of the Special Commissioners according to the Laws heretofore in force, and that all such cases shall be dealt with as if this Act had not been passed.

IX. And it is hereby enacted, that except as regards the proprietary right to Islands no suit or action in any Court of Justice shall lie against the Government, or any of its Officers on account of any thing done in good faith in the exercise of the powers conferred by this Act.

Calcutta, 1847.—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. X. OF 1847.

Passed by the Hon'ble the President of the Council of India in Council on the 19th of June 1847, with the assent of the Right Hon'ble the Governor General of India.

An Act for amending Act XXX. of 1836.

IT is hereby enacted, that within the Territories subject to the Government of the East India Company whenever any Court not included under the provisions of Act XIV. of 1844 shall sentence any offender to imprisonment for life under the provisions of Act XXX. of 1836, it shall at the same time sentence such offender to transportation beyond sea for life, unless there should be special reasons inducing the Court to think such prisoner not a proper subject for transportation, which special reasons the Court is hereby directed to record.

Calcutta, 1847.—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XI. OF 1847.

Passed by the Hon'ble the President of the Council of India in Council on the 7th of August 1847, with the assent of the Right Hon'ble the Governor General of India.

An Act to authorize the reception of Convicts transported from Her Majesty's Settlement of Hong Kong.

IT is hereby enacted, that it shall be lawful for the Governor General of India in Council in his executive capacity to authorize the Governor of Prince of Wales' Island, Singapore and Malacca, to receive in the said Settlements, and the Resident Councillors of Prince of Wales' Island, Singapore and Malacca, to receive in each of the said Settlements respectively, Convicts who have been duly sentenced to transportation by any competent Court in Her Majesty's Settlement of Hong Kong, and that every such Convict when so received at any such place, shall be liable to all such and the same Laws, Rules and Regulations as are or shall be in force in any such place with respect to Convicts transported from any place within the Territories subject to the Government of the East India Company.

Calcutta, 1847.—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XII. OF 1847.

Passed by the Hon'ble the President of the Council of India in Council on the 21st of August 1847, with the assent of the Right Hon'ble the Governor General of India.

An Act for repealing the Law which authorizes the imposition of fines on Moonsiffs and Sudder Ameens.

WHEREAS it was enacted by Clause 3, Section 9, Regulation XXIII. of 1814, of the Bengal Code, that in cases of misconduct and neglect of duty which might not be of a nature to require the suspension or dismissal of a Moonsiff from his office, the Judge should be authorized to impose on the Moonsiff a fine not exceeding Twenty Rupees in amount, and that the order of the Judge in such case should be final:

And whereas by Section 67 of the said Regulation the provision above recited, was declared amongst other things to be applicable to the office of Sudder Ameens, as well as to that of Moonsiffs:

And whereas the provision above recited, is no longer adapted to Moonsiffs and Sudder Ameens, in the more elevated Judicial position which they now occupy:

It is therefore hereby enacted, that Clause 3, Section 9, Regulation XXIII. of 1814, and Section 67 of the said Regulation, so far as it declares the said Clause to be applicable to Sudder Ameens, are repealed.

Calcutta, 1847.—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XIII. OF 1847.

Passed by the Hon'ble the President of the Council of India in Council on the 21st of August 1847, with the assent of the Right Hon'ble the Governor General of India.

An Act for repealing Act XIV. of 1839 *so far as it relates to the Emigration of Natives of India to the Island of Ceylon.*

I. WHEREAS by Act XIV. of 1839 it was enacted, that every person who should make with any Native of India any contract for labor to be performed in any British or Foreign Colony without the Territories of the East India Company, or who should knowingly abet or aid any Native of India in emigrating from the said Territories for the purpose of being employed as a laborer, should be liable on conviction before a Magistrate or Justice of the Peace, to a fine not exceeding 200 Rupees for every Native so contracted with, aided or abetted, and in default of payment of such fine, should be liable to be imprisoned for a term not exceeding three months:

Provided always that nothing in that Act contained should be taken to apply to any Native Seaman who should of his own free will contract to navigate any Vessel, or who should embark on board such Vessel in pursuance of such contract, or to any person who should contract to serve as a Menial Servant only, or who should embark as such Menial Servant:

And whereas the Island of Ceylon geographically, historically and socially considered is analogous to the Countries subject to the Government of the East India Company:

It is hereby enacted, that Act XIV. of 1839 in so far as it makes liable to penalties every person who shall make with any Native of India any contract for labor to be performed in the said Island, or who shall knowingly aid or abet any Native of India in emigrating from the Territories subject to the Government of the East India Company to the said Island, is repealed.

II. But whereas the said Island is not subject to the Legislative power of the Governor General of India in Council, so that the said Governor General in Council is unable to make Laws for the protection of such Natives of India as may emigrate to the said Island against the evils which might attend the emigration of such Natives of India from the said Island to any British or Foreign Colony:

It is thereof hereby enacted, that this Act shall not come into operation until the Governor General of India in Council shall be duly certified that the Legislature of the said Island has made such Laws as the said Governor General in Council shall think sufficient for the protection of such Natives of India so emigrating to the said Island against the evils aforesaid, and shall notify in the Gazette that he has been so certified.

Calcutta, 1847.—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XIV. OF 1847.

Passed by the Hon'ble the President of the Council of India in Council on the 28th of August 1847, with the assent of the Right Hon'ble the Governor General of India.

An Act for repealing parts of Section III. Regulation IV. 1793, *and Section III. Regulation III.* 1803, *of the Bengal Code.*

IT is hereby enacted, that so much of Section III. Regulation IV. 1793, and of the corresponding part of Section III. Regulation III. 1803, of the Bengal Code, as requires the transcription of plaints, be repealed.

Calcutta, 1847.—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XV. OF 1847.

Passed by the Hon'ble the President of the Council of India in Council on the 11th day of September 1847, with the assent of the Right Hon'ble the Governor General of India.

An Act for the Survey of Lands in the Town of Calcutta, within the Local limits of the Jurisdiction of Her Majesty's Supreme Court of Judicature.

WHEREAS it is expedient that a correct Survey should be made of all lands in the Town of Calcutta within the local limits of Her Majesty's Supreme Court of Judicature:

It is therefore hereby enacted, that it shall be lawful for the Governor of Bengal to appoint an Officer to Survey the lands situate within the said local limits, and such Officer shall proceed to Survey the same and to register the names of the owners and occupiers thereof as far as they can be ascertained, and such Officer shall, by public notification, invite all persons owning or occupying lands and tenements within the said local limits to appear before him in person or by duly constituted attorney at whatever place within the said limits his office may be held, and to bring with him all Pottahs, Ground Rent Bills, Bills of Sale, or other writings requisite for the ascertainment of the past and present boundaries of such lands.

II. And

II. And it is hereby enacted, that the said Officer shall for the purposes of this Act have full power and authority at all seasonable hours in the day time to enter or to direct his Subordinate Officers to enter into and upon any land or tenement within the said local limits, and in and upon the land on which any house, building or other erection is built or building or intended to be built, and into and upon any buildings or any part thereof without being liable to any action at law or suit in Equity, or any other legal proceedings or molestation whatsoever for or on account of such entry into, or of any thing done or to be done in any part thereof in pursuance of this Act. Provided, that such Officer or Subordinate Officers shall not enter upon any lands or tenements which may be occupied at the time unless with the consent of the occupier thereof, without previously giving the said occupier reasonable notice of his or their intention to do so. Provided also, that if any action shall be commenced in the Supreme Court against any such Officer or Subordinate Officer for any entry made or other thing done under the authority of, or in pursuance of this Act, it shall be lawful for him or them to plead the general issue and to give the special matter in evidence.

III. And it is hereby enacted, that if any person at any time shall obstruct or molest the said Officer or any of his subordinate Officers in the performance and execution of his or their duty, or any thing which they are required to do by or by virtue or in consequence of this Act, every such person so offending shall be guilty of a misdemeanour and shall on conviction before a Magistrate for the Town of Calcutta forfeit and pay for every such offence any sum not exceeding 200 Rupees.

IV. And whereas such notification as is directed by Section 1 of this Act, may not in all cases be effectual, it is therefore hereby enacted, that it shall be lawful for the Surveying Officer to cause any person owning or occupying lands or tenements within the said local limits,

limits, or his agents or representatives, to be served with a special notice under his official seal and signature, stating the purpose for which the attendance of such person is required, and any document essential for the purposes of this Act which such person is to bring with him and the period within which such person is to attend, and if such person cannot be found the notice shall be affixed to his usual place of residence if that be within the said local limits, or if not, then on the Premises to be surveyed. Provided always, that no person shall be required to produce any Title Deed which such person may object to produce.

V. And it is hereby enacted, that for any investigation connected with the purposes of this Act it shall be lawful for the Surveying Officer by writing under his hand to summon any person whatsoever to attend as a witness at a time and place to be specified in such summons, and that every witness so duly summoned to attend as aforesaid, who shall not attend, or who attending shall refuse to give evidence on oath or solemn affirmation, or declaration, or to answer all such questions as the Surveying Officer may legally demand shall be liable to be attached in the Supreme Court upon complaint made in like manner as if such witness had neglected to attend on any trial in such Supreme Court.

VI. And it is hereby enacted, that any witness examined before such Surveying Officer shall be examined upon oath, which such Surveying Officer is hereby authorized to administer. Provided always, that in all cases wherein a solemn declaration or affirmation would be allowed in Her Majesty's Courts of Judicature to be substituted for an oath, the said Surveying Officer shall substitute such solemn declaration or affirmation for an oath.

VII. And it is hereby enacted, that any witness wilfully and knowingly giving false testimony on oath or solemn declaration or affirmation before such Surveying Officer shall be deemed guilty of wilful and corrupt perjury.

Calcutta, 1847.—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XVI. OF 1847.

Passed by the Hon'ble the President of the Council of India in Council on the 23d of October 1847, *with the assent of the Right Hon'ble the Governor General of India.*

For constituting Commissioners for the Improvement of the Town of Calcutta partly by appointment of the Government and partly by election of the Rate-payers.

WHEREAS by the 158th Section of the 52d Chapter of the Statute 33, George III., certain powers and duties in regard to the collection and disbursement of the Assessment thereby authorized to be made by the Justices of the Peace within or for the Presidency of Fort William, were conferred and imposed upon the said Justices. And whereas by Act No. XXIV. of 1840, certain changes were made in the Law relating to the said Assessment.

And whereas it is apparent that the Sewerage and Drainage of the Town of Calcutta, and the supply of water for the domestic use of the inhabitants thereof, and the due cleansing of Drains therein, and the means of providing for the due ventilation of the Town, and the repairing, cleansing and lighting the roads and streets, and the making convenient lines of communication by spacious streets, and the preventing and removing of nuisances, and the due provision of adequate means for the relief of the

sick

sick poor in the said Town are very defective, all which cause excessive disease and great mortality. And whereas the Laws and Regulations now in force, and the pecuniary means applicable to the said objects are wholly insufficient for the remedy of so great a mischief, and whereas it is expedient that remedy should be had herein.

I. It is hereby enacted, that Act No. XXIV. of 1840, entitled an Act for amending the Law with respect to Rates for municipal purposes within the Town of Calcutta, is repealed.

II. And it is hereby enacted, that all the said powers and duties in regard to the collection and disbursement of the said Assessments shall from and after the First day of January 1848 cease to be exercised and performed by the said Justices for the Town of Calcutta, and shall be exercised and performed by a Board of Seven Commissioners to be called the Commissioners for the Improvement of the Town of Calcutta, of whom three shall be appointed by the Governor of Bengal, and four shall be elected by the Rate-payers of the Town of Calcutta, that is to say, one by the Rate-payers of each of the following Divisions, viz.

1st or Upper North Division, bounded

A North by Maharattah Ditch.
South by Cotton Street and Meerbhur's Ghaut Street.
East by Chitpore Road.
West by River Hooghly.

B North by the Maharattah Ditch.
South by Mutchoa Bazar.
West by Chitpore Road.
East by Central Road.

C North and East by Circular Road.
South by Mutchoa Bazar Road.
West by Central Road.

2d or Lower North Division, bounded

A North by Cotton Street and Meerbhur's Ghaut Street.
South by the Police Ghaut, Hare Street, North side of Tank Square and Loll Bazar.
East by Chitpore Road.
West by the River Hooghly.

B North by Mutchoa Bazar.
South by Bow Bazar Street.
East by Central Road.
West by Chitpore Road.

C North by Mutchoa Bazar.
South by Bow Bazar Street.
East by Circular Road.
West by Central Road.

3d or Upper South Division, bounded

A North by Police Ghaut, Hare Street, North side of Tank Square, and Loll Bazar.
South by East and West Esplanade Row.
East by Cossitollah Street.
West by the River Hooghly.

B North by Bow Bazar Street.
South by Dhurrumtollah.
West by Cossitollah.
East by Central Road.

C North by Boitakhanna Street.
South by Dhurrumtollah ditto.
East by Circular Road.
West by Central Road.

4th or Lower South Division, bounded

A North by Dhurrumtollah Street.
South by Park Street.
East by Circular Road.
West by Chowringhee Road.

B South and East by Circular Road.
North by Park Street.
West by Chowringhee Road;

or of such other Divisions as the Governor of Bengal may from time to time appoint; or in default of election shall be appointed by the said Governor of Bengal, and any vacancies which may from time to time occur in the situations of any of the Commissioners who shall have been appointed by the said Governor, shall be filled up by the appointment of the said Governor.

III. And it is hereby enacted, that the said Commissioners shall severally receive such Salaries as may from time to time be fixed by the Governor of Bengal, with the concurrence of the Governor General in Council, and that for the exercise and performance of all the powers and duties hereinbefore or hereinafter conferred and imposed upon the said Commissioners, five shall be a quorum. Provided always and it is hereby enacted, that it shall be lawful for any one of the said Commissioners to issue a warrant of Distress for the recovery of any arrears of any rates or taxes accruing under the said 158th Section of the said Statute or under this Act.

IV. And it is hereby enacted, that the time and place and manner of the elections of the said elective Commissioners in each of the said Divisions shall be according to such scheme as shall be agreed upon by a general meeting of the Owners and Occupiers of assessed houses, buildings and grounds in the said Town, consisting of not less than one hundred

of

of the said Owners and Occupiers, and presented on behalf of such meeting to the Governor of Bengal and approved by him. But so as such elections shall take place annually.

Provided always and it is hereby enacted, that if no such general meeting shall be held within one month from the passing of this Act, or if no such scheme shall be presented on behalf of such meeting to the Governor of Bengal within one month after such meeting shall have been held, it shall then be lawful for the said Governor of Bengal to appoint the whole of the said Commissioners.

Provided also and it is hereby enacted, that the scheme shall be laid by the Governor of Bengal before the Governor General in Council for his approbation, and shall not be in force until such approbation shall have been signified in writing.

V. And it is hereby enacted, that the said Commissioners shall from and after the said day have power within the said Town to levy upon the Owners or Users of the several kinds of Carriages, Carts and Horses mentioned in the Schedule to this Act annexed, taxes according to the rates mentioned in the said Schedule, and that the said Commissioners shall have power and discretion to compound with Livery Stable Keepers and other persons keeping Carriages and Horses for hire for an annual rate of tax to be assessed upon the Carriages and Horses in their Establishments in lieu of taxes according to the rates mentioned in the said Schedule.

VI. And it is hereby enacted, that the said taxes according to the rates mentioned in the said Schedule shall be levied quarterly, and that every person who has been the Owner or User of a Carriage or Horse within the said Town during thirty days in any one quarter shall be liable for the taxes of that entire quarter. Provided always that no person who has

not

not been the Owner or User of a Carriage or Horse within the said Town during thirty days in any one quarter shall be liable to any tax in respect of any Carriage or Horse. Provided also that no such tax shall be levied in respect of any Horse, Carriage or Cart in the employment of Government.

VII. And it is hereby enacted, that the assessments and rates made under the authority of the Statute 33 George III. C. 52, Section 158, and of Section II. of this Act, shall be of such amount as together with the amount of the taxes to be levied by the Commissioners under Section V. of this Act, and together with such other funds as may be placed at the disposal of the said Commissioners by the Government of Bengal, shall appear to the said Commissioners expedient for completely effecting the purposes specified in this Act, any thing in the said 158th Section of the said Statute notwithstanding. Provided always, that no rate shall be made exceeding five per cent. on the assessed value of property without the sanction of the Governor of Bengal.

VIII. And it is hereby enacted, that for the assessment and collection of the rates and taxes to be levied by the said Commissioners it shall be lawful for the said Commissioners to appoint such Assessor or Assessors, Collector or Collectors, to make such union of the offices of Assessor and Collector, and to prescribe such rules and take such securities for the due execution of the duties of such Assessors and Collectors as the said Commissioners shall deem expedient, and such Assessors and Collectors shall receive such salaries as the Government of Bengal may see fit to sanction.

IX. And it is hereby enacted, that it shall not be necessary in any assessment rate or warrant of distress under the said Statute, and this Act, to specify the names of the Owners or Occupiers of houses, buildings and grounds; but it shall be sufficient if every property rated be identified,

and

and in the case of houses numbered in any street, that the name of the street and number of the house rated be particularly specified.

X. And it is hereby enacted, that the Goods and Chattels of the Owners of any houses, buildings or grounds rated under the said Statute, and this Act, shall be seizable any where (except Goods and Chattels concealed as hereinafter mentioned) for deficiency in the payment of rates, and that all Goods and Chattels which shall be found upon any premises rated shall be seizable for any arrears, which may be due for a period of one year immediately preceding such seizure, and in the case of the seizure of the Goods and Chattels of a tenant under such circumstances, such tenant may deduct the amount of the levy from the next payment of his rent.

XI. And it is hereby enacted, that when there is ground to suspect that Goods and Chattels liable to distress under the said Statute, and this Act, are concealed in any Zenana, the Officer charged with the execution of the warrant shall make a special report to the Commissioner granting the same, who shall thereupon follow as closely as is practicable, the rules for the seizure of Goods and Chattels in like cases adopted by Her Majesty's Supreme Court.

XII. And it is hereby enacted, that it shall be lawful for the said Commissioners, and they are hereby required to make rules and as occasion may require to add to, revoke or alter the same, for the regulation of the time and manner of assessing and levying the said taxes, and for compelling persons to give any information which may be necessary for that purpose, and for imposing penalties upon persons not performing any duty cast upon them by the said rules for the said purpose, and upon persons obstructing any persons acting under the said Commissioners in that behalf so as that such penalty shall not in any case exceed 100 Rupees.

XIII. And

XIII. And it is hereby enacted, that such rules shall be laid before the Governor of Bengal and approved by him, and shall then be laid by the said Governor of Bengal before the Governor General in Council, and when approved by him shall have the force of law. Provided always, and it is hereby enacted, that the said taxes shall not be leviable until such rules have been so made and approved.

XIV. And it is hereby enacted, that it shall be lawful for the said Commissioners to levy the arrears of the said taxes and any penalties which may be incurred under the said rules by the same process of distress as is hereinbefore provided for the levying of the aforesaid rates on houses, buildings and grounds.

XV. And it is hereby enacted, that the whole proceeds of the said rates and taxes, after paying all Salaries, Establishments and incidental expences of the said Commissioners shall, together with such monies as the Government of Bengal with the sanction of the Governor General in Council may direct to be paid over to the said Commissioners, be applied by them to the following purposes, viz.

1. Formation of Tanks and Aqueducts for the conveyance of water to all parts of the Town.

2. Opening of Streets and Squares in crowded parts of the Town.

3. Filling up stagnant pools of water and removing obstructions to the free circulation of air.

4. Lighting and watering the roads and streets.

5. Cleansing and repairing the same, and the drains of the said Town.

6. And in improving and embellishing the said Town generally.

SCHEDULE.

ACT No. XVI. OF 1847.

SCHEDULE.

	Per Annum.
For every 4 wheeled Carriage on springs, drawn by two Horses,	32 Rs.
,, every 4 wheeled ditto ditto, by one Horse,	7 ,,
,, every 2 wheeled ditto ditto, by one Horse or two Horses,	16 ,,
,, every Karanchee, Hackery or Cart,	5 ,,
,, every Riding Horse or Pony,	18 ,,
,, every Draught Horse,	2 ,,
,, every Draught Pony or Tattoo,	1 ,,
,, every Draught or burthen Bullock,	8 As.

Calcutta, 1847.—Printed at the Bengal Military Orphan Press, by W. Ridsdale

ACT No. XIX. OF 1847.

Passed by the Governor General of India in Council on the 18th of December 1847.

An Act to make certain Amendments in the Articles of War for the Government of the Native Officers and Soldiers in the Military Service of the East India Company.

WHEREAS it is expedient to make certain Amendments in the Articles of War provided by Act XX. of 1845, for the Government of the Native Officers and Soldiers in the Military Service of the East India Company, and for the Administration of Justice by Courts Martial to be holden on such Officers and Soldiers:

I. It is therefore hereby enacted, that from and after the First day of March 1848, the Articles of War provided by Act XX. of 1845, are repealed.

II. And it is enacted, that the following Articles of War shall from and after the said day be the Articles of War for the Government of the said Native Officers and Soldiers in the Military Service of the said Company, and for the Administration of Justice by Courts Martial to be holden on such Officers and Soldiers. Provided always that all crimes and offences committed against the Articles of War provided by Act XX. of 1845 aforesaid may be inquired of and punished in like manner as if they had been committed against the Articles of War hereby provided, and that every Warrant for holding any Court Martial under the Articles of War provided by the Act XX. of 1845 aforesaid shall remain in full force notwithstanding the repeal of such Articles; and that all proceedings of any Court Martial upon any trial begun under such Articles, shall not be discontinued by the repeal of the same.

ACT No. XIX. OF 1847.

ARTICLES OF WAR.

SECTION I.

Of Inlisting and Discharges.

Article 1.

Every Recruit, prior to being enrolled in his Regiment, shall have the First Four Articles of the Second Section of these Articles of War read and explained to him, and when reported fit for duty in the ranks, such Declaration as is now used, if any, in the respective Presidencies, shall be made to him by the Officer Commanding, in front of the Regiment or Corps, in presence of the Native Officers and Soldiers, and an oath or declaration shall then be required from him, according to the forms of his religion, such oath and declaration to be the like as are now used in the respective Presidencies.

* Article 2.

No Commissioned Officer shall be dismissed except by the Sentence of a General Court Martial. No Non-Commissioned Officer or Soldier shall be discharged as a punishment except by the Sentence of a Court Martial, or by order of the Commander in Chief at the Presidency to which he may belong. Every such dismissal or discharge shall include forfeiture of all claim to pension. Provided also, that the Governor General in Council in his executive capacity, and the Governor in Council of any Presidency to which a Commissioned or Non-Commissioned Officer or Soldier may belong, shall have power to order his dismissal or discharge.

Article 3.

All Non-Commissioned Officers and Soldiers discharged the Service, shall

shall be furnished by the Commanding Officer of the Regiment with a Discharge Certificate, made out in the Vernacular Language of the individual discharged, with an English Translation, expressing the authority for, and cause of, such discharge, and the period of his entire Service in the Army.

* ARTICLE 4.

No Non-Commissioned Officer or Soldier shall enlist himself in any other Regiment without a regular discharge from his former Regiment, under the penalty of being reputed a Deserter, and suffering accordingly.

SECTION II.

Crimes and Punishment.

Crimes punishable with death, transportation, corporal punishment, imprisonment or dismissal.

ARTICLE 5.

Any Officer, or Soldier, who shall begin, excite, cause, or join in any Mutiny or Sedition in the Regiment or Corps to which he belongs, or in any other Corps or Regiment whatsoever, on any pretence whatever; or who, being present at any Mutiny or Sedition, shall not use his utmost endeavours to suppress it; or who, coming to the knowledge of any Mutiny, intended Mutiny, or concealed combination against the State, shall not without delay give information thereof to his Commanding Officer; —— or

ARTICLE 6.

Who shall strike his Superior Officer, or shall draw or offer to draw, or lift up any weapon, or use or offer any violence, against him; whether on or off duty, and under all circumstances in which his Superior Officer may be distinguishable as such in any manner; —— or

ARTICLE 7.

Who shall disobey any lawful Command of his Superior Officer;——or

ARTICLE 8.

Who shall desert from the East India Company's Service, (whether or not he shall re-enter or re-enlist in the same;) —— or

ARTICLE 9.

Who, being a Sentry, in time of War or alarm, shall sleep upon his post; or shall leave it before regularly relieved, or without leave; or shall plunder or injure the property placed under his charge; —— or

ARTICLE 10.

Who shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard, committed to his charge, or which it was his duty to defend; or who shall use means to induce any other Officer or Soldier so to abandon or deliver up any such Garrison, Fortress, Post, or Guard; —— or

ARTICLE 11.

Who shall treacherously make known the watchword to any person not entitled to receive it, according to the Rules and Discipline of War; —— or

ARTICLE 12.

Who shall hold correspondence with or give intelligence to the Enemy, or any person in arms against the State, either directly or indirectly;

or

or who, coming to the knowledge of such correspondence or communication, shall not discover it immediately to the Commanding Officer; —— or

ARTICLE 13.

Who shall directly or indirectly assist or relieve the Enemy, or Persons in arms against the State, with money, victuals, or ammunition; or shall knowingly harbour or protect any Enemy or Person in arms against the State; —— or

ARTICLE 14.

Who shall treacherously release, wilfully aid, or connive at the escape of any Enemy or Person in arms against the State, placed as a Prisoner under his charge; —— or

ARTICLE 15.

Who shall misbehave himself before the Enemy, or persons in arms against whom he is led, or use means to induce others so to misbehave; —— or

ARTICLE 16.

Who shall in presence of an Enemy, or of persons in arms against whom he is led, shamefully cast away his arms or ammunition; —— or

ARTICLE 17.

Who shall leave his Commanding Officer, or his Post, or Colours, or Party, in time of action, to go in search of Plunder; —— or

ARTICLE 18.

Who, in time of War, shall do violence to any person bringing provisions or other necessaries to the Camp or Quarters of the Forces; or shall force a Safeguard; or break into any house, or other place for plunder; or plunder fields, or gardens, or other property; —— or

ARTICLE 19.

Who, in time of War, shall, by discharging fire arms, drawing swords, beating drums, making signals, using words, or by any means whatever, intentionally occasion false alarms, in Action, Camp, Garrison, or Quarters; —— or

ARTICLE 20.

Who shall, without proper authority, release any State Prisoner, or through carelessness or neglect shall suffer any such Prisoner to escape; or shall connive at the plunder or injury of property in time of war, or the plunder or injury of Treasure, or of a Magazine or Dock Yard, by the Sentry or Guard in whose charge such property, or Treasure, or Magazine, or Dock Yard is placed; —— or

ARTICLE 21.

Who, being a Sentry placed over any State Prisoner, or over Treasure, or over a Magazine or Dock Yard, shall quit his Post without being regularly relieved, or without leave; or shall sleep upon his Post; or shall plunder or injure the property placed under his charge;

Shall, if an Officer, on conviction, suffer Death, or Transportation for life, or be Dismissed the Service;

And, if a Soldier, shall, on conviction, suffer Death or Transportation for life; or Imprisonment with or without hard labour, for life or for any term of years; and with or without solitary confinement for any portion or portions of the term of imprisonment, not exceeding twenty-eight days at a time, nor eighty-four days in any one year, with intervals between the periods of solitary confinement of not less duration than such periods of solitary confinement; or shall suffer Corporal Punishment; or Dismissal from the Service; as by a General Court Martial shall be awarded. Provided that no Soldier shall be kept in solitary confinement more than eighty-four days in any one year, whether by the sentence of one or more Courts Martial, or by order of his Commanding Officer.

Crimes

ACT No. XIX OF 1847.

Crimes punishable by General Court Martial with Dismissal or Suspension of Officers, or by General or District Court Martial with Dismissal, Reduction, Corporal Punishment, or simple Imprisonment with or without solitary confinement, or Loss of Standing on the Roll, of Non-Commissioned Officers and Soldiers.

Article 22.

Any Officer or Soldier who shall in operations in the field, spread reports by words or letters calculated to create unnecessary alarm in the Troops, or in the vicinity, or in rear of the Army; —— or

Article 23.

Who shall, in Action or previously to going into Action, use words tending to create Alarm or Despondency; —— or

Article 24.

Who shall be drunk when on, or for duty, or on Parade, or on the Line of March; —— or

Article 25.

Who shall strike or force any Sentry; —— or

Article 26.

Any Soldier who shall be grossly insubordinate or insolent to his Superior Officer in the execution of his office; or grossly insubordinate and violent in the presence of a Court Martial; —— or

Article 27.

Who, being on actual Service, shall refuse to assist in making field works;

Shall, if an Officer, on conviction, be Sentenced to be Dismissed the Service, or to be Suspended from Rank and Pay and Allowances;

And,

And, if a Soldier, shall, on conviction before a General, or District, or Garrison Court Martial, be sentenced to suffer such punishment as a General, or District, or Garrison Court Martial is by these Articles of War respectively empowered to award.

Provided, that such Offender shall not be sentenced to Death, or Transportation, or Imprisonment with hard labour.

Crimes punishable by General Court Martial with Dismissal or Suspension of Officers, or by General, or District Court Martial, with Dismissal, Reduction, Imprisonment with or without hard labour, and with or without solitary confinement, or Loss of Standing on the Roll, of Non-Commissioned Officers and Soldiers.

ARTICLE 28.

Any Officer who shall behave in a manner unbecoming the character of an Officer; (the fact or facts whereon the charge is grounded being clearly specified therein;) —— or

ARTICLE 29.

Any Officer or Soldier who shall advise or persuade any other Officer or Soldier to desert, or who shall connive at such desertion; or who shall knowingly receive and entertain any Deserter, and shall not immediately on discovery give notice to his Superior-Officer; or shall not cause such Deserter to be apprehended by the Civil Power; —— or

ARTICLE 30.

Who shall obtain or attempt to obtain for himself, or for any Officer or Soldier, or for any other person whatsoever, any Pension or Allowance, by any false Statement, Certificate, or Document, or by the omission of the true Statement, or Certificate, or Document; —— or

ARTICLE 31.

Who shall knowingly make a false Return or Report, to any his Superior

Superior Officer authorized to call for a Return or Report, of the state of the men under his Command, or of Arms, Ammunition, Clothing, or other Stores thereunto belonging, or of which he may have charge; —— or

ARTICLE 32.

Who, at any post, or on the march, shall illegally and against the will of the parties extort money or property of any description, as fees or duties, or on any pretence whatever; or shall, without authority, exact from Villagers or others, carriage, porterage, or provisions; —— or

ARTICLE 33.

Who shall wantonly and intentionally defile any place dedicated to religious worship, or shall wantonly and intentionally insult the religious prejudices of other persons;

Shall, if an Officer, on conviction, be sentenced to be Dismissed the Service, or to be Suspended from Rank and Pay and Allowances;

And, if a Soldier, shall, on conviction before a General, District, or Garrison Court Martial, be sentenced to suffer such punishment as a General, or District, or Garrison Court Martial is by these Articles of War respectively empowered to award.

Provided that such Offender shall not be sentenced to Death, or Transportation, or Corporal Punishment.

Crimes punishable by General Court Martial with Dismissal or Suspension of Officers, or by any Court Martial with Dismissal. Reduction, Imprisonment with or without hard labour, and with or without solitary confinement, or Loss of Standing on the Roll, of Non-Commissioned Officers and Soldiers.

ARTICLE 34.

Any Officer or Soldier, who, being under arrest or in confinement, shall leave his arrest or confinement before he is set at liberty by competent authority; —— or

ARTICLE 35.

Who shall malinger, feign or intentionally produce disease or infirmity; or intentionally delay his cure; or intentionally aggravate his disease or infirmity; —— or

ARTICLE 36.

Who shall, without orders, commit any waste, or spoil, or plunder, or shall injure or destroy any property; —— or

ARTICLE 37.

Any Soldier who shall, contrary to orders, when off duty, appear in or about Camp or Cantonments, or on occasion of visiting Towns or Bazars, carrying a Sword, Bludgeon, or other Weapon; —— or

ARTICLE 38.

Who shall sell, pawn, or designedly or through neglect lose or injure his Horse, Arms, Clothes, Accoutrements or Regimental Necessaries; or any of the above Articles entrusted or belonging to any other Soldier;

Shall, on conviction before a General, District, or Garrison, or Regimental Court Martial, be sentenced to suffer such punishment as such Courts Martial respectively are by these Articles of War empowered to award.

Provided

Provided that such offender shall not be sentenced to Death, or Transportation, or Corporal Punishment.

Embezzlement; punishable by General Court Martial with Dismissal, Fine, and Imprisonment with or without hard labour, and with or without solitary confinement, of Officers and Soldiers.

ARTICLE 39.

Any Officer, or Soldier, who shall embezzle or fraudulently misapply any money entrusted to him on the public account, or for any Military purpose; or any Provisions, Forage, Arms, Clothing, Ammunition, or Military Stores, of whatever kind or description, the property of Government, entrusted to his charge; or who shall wilfully spoil such property, or suffer it to be spoiled, or shall be concerned in or connive at any such embezzlement or fraudulent misapplication;

Shall, on conviction before a General Court Martial, be Dismissed the Service, and fined to the extent of his arrears of Pay and Allowances; and be further liable to suffer Imprisonment with or without hard labour for a term which may extend to three years, and with or without solitary confinement (to be regulated as aforesaid.)

Disgraceful Conduct; punishable by General or District Court Martial, with Corporal Punishment, or Imprisonment with or without hard labour and solitary confinement, and in addition with forfeiture of additional Pay and of Pension on discharge, and stoppages, of Non-Commissioned Officers and Soldiers.

ARTICLE 40.

Any Soldier who shall be guilty of *disgraceful conduct*;

In wilfully maiming or injuring himself, or any other Soldier at the instance of such Soldier, with intent to render himself or such Soldier unfit for the Service, or with intent to take his own life; —— or

ARTICLE 41.

ARTICLE 41.

In purloining or selling Government Stores; —— or

ARTICLE 42.

In stealing money or goods, the property of a Soldier, or of a Military Officer, or of any Military Mess, or of any person or persons belonging to or serving with or attached to the Army; —— or

ARTICLE 43.

In plundering or injuring property placed under his charge as Sentry, or in charge of his Guard, or in conniving at the plunder or injury of such property; —— or

ARTICLE 44.

In embezzling or fraudulently misapplying public money entrusted to him for any Military purpose; —— or

ARTICLE 45.

In committing any petty offence of a fraudulent or dishonest nature, to the injury of or with intent to injure the Government, or any person, Civil or Military; —— or

ARTICLE 46.

Who shall be guilty of any other *disgraceful conduct*, being of a cruel, indecent, or unnatural kind;

Shall, on conviction before a General, or District, or Garrison Court Martial, be liable to suffer such punishments as any such Courts are by these Articles of War respectively empowered to award for *disgraceful conduct*.

And

And every such offender shall, if not dismissed the service, further be put under stoppages, by sentence of the Court, not exceeding half of his monthly Pay and Allowances; until the amount be made good of any loss or damage arising out of his misconduct.

And if such offender shall be Dismissed the Service, he shall further be sentenced to forfeit his arrears of Pay and Allowances due at the time of his discharge, or in such proportion as may be required to make good such loss or damage.

Crimes punishable by General Court Martial with Suspension or Reprimand of Officers, or by any Court Martial with Dismissal, Reduction, or Simple Imprisonment with or without solitary confinement, or Loss of standing on the Roll, of Non-Commissioned Officers and Soldiers.

ARTICLE 47.

Any Officer, or Non-Commissioned Officer who shall strike or otherwise illtreat any Soldier;—— or

ARTICLE 48.

Any Sentry who, in time of peace, shall sleep upon his Post; or shall leave it before regularly relieved or without leave; —— or

ARTICLE 49.

Any Officer, or Soldier, who shall knowingly enlist a Deserter, or connive at his enlistment; —— or

ARTICLE 50.

Who, directly or indirectly, shall require or accept a bribe, present, or gratification, on the pretence of, or as a consideration for procuring leave of absence, promotion, or any other advantage or indulgence for any Officer or Soldier; —— or

ARTICLE 51.

Who, being in Command at any Post, or on the march, on complaint made to him of any person under his command beating or otherwise ill-treating any person; or extorting from him more than he is obliged to furnish by authority, or disturbing fairs or markets, or committing any kind of riot; shall not see reparation done to the party or parties injured; or, if that be impracticable, shall not report the same to his Superior Officer; —— or

ARTICLE 52.

Who, being in Command of a Guard, shall refuse to receive any Prisoner duly committed to his charge; or shall without proper authority release any prisoner, or shall suffer, through carelessness or neglect, any prisoner to escape; —— or

ARTICLE 53.

Who shall quit his Guard, or Picquet, in time of peace, without being regularly relieved, or without leave; —— or

ARTICLE 54.

Who shall impede the Provost Marshal, or his Assistants, or any other Officer or person legally exercising authority; —or refuse to assist him when requiring his aid in the execution of his duty; —— or

ARTICLE 55.

Who, being on leave of absence, shall have received information from the Head Quarters of his Regiment, or from other competent authority, that his Regiment has been ordered on service, and shall not rejoin without delay; —— or

ARTICLE 56.

Who, in time of peace, shall, by discharging fire arms, drawing swords, beating drums, or by any other means whatever, intentionally occasion false alarms in Camp, Garrison, or Cantonments; —— or

ARTICLE 57.

ARTICLE 57.

Who shall fail to repair at the time fixed to the parade, or place appointed, for exercise or duty, if not prevented by sickness or some other sufficient cause; —— or

ARTICLE 58.

Who shall, without urgent necessity, or without leave of his Superior Officer, quit his Company, or Troop, or the Parade; —— or

ARTICLE 59.

Who shall absent himself without leave; or shall, without sufficient cause, overstay the period for which leave may have been granted him; —— or

ARTICLE 60.

Any Soldier who shall be found two miles from the Camp contrary to orders; —— or

ARTICLE 61.

Who shall, contrary to orders, be absent from his Cantonment after tatoo, or from Camp after retreat beating; —— or

ARTICLE 62.

Who shall sell, lose, or designedly, or through neglect, waste the ammunition delivered out to him;

Shall, if an Officer, on conviction, be sentenced to Suspension from Rank and Pay and Allowances; or to be Reprimanded in such manner as the Commander in Chief may direct;

And, if a Soldier, shall, on conviction before a General, or District, or Garrison, or Regimental Court Martial, be sentenced to suffer such punishment as any such Courts Martial are by these Articles of War respectively empowered to award;

Provided

Provided that such offender shall not be liable to be sentenced to suffer Corporal Punishment, or Imprisonment with hard labour.

ARTICLE 63.

All crimes not capital, and all disorders or neglects which Officers or Soldiers may be guilty of, to the prejudice of good order and Military discipline, though not specified in these Articles, are to be taken cognizance of by Courts Martial, and to be punished according to the nature and degree of the offence, by the Sentence of a General, or District, or Garrison, or Regimental Court Martial; provided that a Soldier shall not for any such offences be liable to be sentenced to suffer corporal punishment, or Imprisonment with hard labour.

Crimes incident to Courts Martial; punishable by General Court Martial with Dismissal or Suspension of Officers, and by any Court Martial with Dismissal or Reduction of Non-Commissioned Officers, and with Dismissal or Simple Imprisonment of Soldiers.

ARTICLE 64.

Any person amenable to these Articles of War, who, when duly summoned before a Court Martial, shall not attend, or shall refuse to be sworn, or to make affirmation, or to answer any lawful question ; or who shall induce any other person so to offend ;

Shall be punished according to the Sentence of the same or another Court Martial, with Dismissal, or Suspension from Rank and Pay and Allowances, if a Commissioned Officer; with Dismissal, or Reduction to the ranks, if a Non-Commissioned Officer ; or with Dismissal, or Imprisonment, if a Soldier ;

Provided that such person, being a Commissioned Officer, shall not be liable to be punished by any but a General Court Martial ; and that no offender punished under the provision of this Article of War shall be sentenced to suffer Imprisonment with hard labour, or Corporal Punishment.

ARTICLE 65.

Any person not amenable to these Articles of War, who, having been summoned before any Court Martial, shall refuse or neglect to attend; or who, attending, shall refuse to be sworn, or to make affirmation, or to answer any lawful question; or shall give such testimony as, if given in a Criminal Court, would render him guilty of perjury ; or who shall induce any other person so to offend ;

Shall be delivered to a Magistrate to be proceeded against according to law.

ARTICLE 66.

Any person using menacing or disrespectful words, signs, or gestures, in the presence of a Court Martial then sitting, or causing any disorder or riot so as to disturb their proceedings ;

Shall be punished according to the condition of the offender and the nature and degree of his offence, by the Sentence of the same or another Court Martial, if he be amenable to these Articles of War ; provided that such offender shall not be liable to be sentenced to Corporal Punishment or to Imprisonment with hard labour ; and if not amenable to these Articles of War, the offender shall be delivered over to a Magistrate to be proceeded against according to law.

Perjury ; punishable by General or District Court Martial with Dismissal, and in addition with Fine, or simple Imprisonment, of Officers and Soldiers.

ARTICLE 67.

Any Officer, or Soldier, who shall be found guilty of wilfully and knowingly giving false evidence on oath or affirmation on any trial before any General, or other Court Martial, or any Military Court entitled to administer an oath ; or of inducing any other person so to offend ;

Shall be Dismissed the Service, and shall be further subject to Fine to the amount of his arrears of Pay and Allowances, or to Imprisonment

which may extend to three years ;—according to the Sentence of a General, or District, or Garrison Court Martial.

Crimes admitting of less serious notice.

ARTICLE 68.

Whereas it may be advisable that some of the offences which by the foregoing Articles are directed to be tried by a General, or District, or Garrison Court Martial, should, in certain cases which admit of less serious notice, be tried by District, or Garrison, or Regimental Courts Martial—in such cases the Officer Commanding the Regiment or Corps to which the offender belongs may, if he thinks it expedient and for the good of the Service, order the offender to be tried by Regimental Court Martial, for any offence ordinarily cognizable by District, or Garrison Court Martial; making however a report in every such case, for the information of the General Officer Commanding the Division, of the reasons of his having so proceeded ; or such Commanding Officer may lay a particular statement of the case before the General or other Officer having authority to convene General, or District, or Garrison Courts Martial, under whose command such offender may be serving, with an application for permission to try the offender by District, or Garrison, or Regimental Court Martial; and such General or other Officer will exercise his discretion in complying or not with such application; but the permission of such General or other Officer so to proceed, shall be entered upon the proceedings at the trial of such offender.

Provided that MUTINY shall not be considered one of the offences admitting of such discretionary investigation.

And that in cases where offences designated "*Disgraceful Conduct*" in these Articles of War, and admitting of less serious notice, shall be tried by Regimental Courts Martial, the term "*Disgraceful Conduct*" shall be omitted in the Charge; and the offender shall on conviction be liable to suffer such punishment as a Regimental Court Martial is by these Articles of War empowered to award.

Offences

Offences on the Line of March or on board Vessels.

ARTICLE 69.

For offences committed on the Line of March, or on board any Ship or other Vessel, the Officer in Command of the Troops is hereby authorized to try any Soldier by a Regimental, or Detachment Court Martial, and to confirm and execute the Sentence on the spot;

Provided that such Sentence shall in no case exceed that which a Regimental Court Martial is competent to award;—and that the proceedings held in all such cases shall be transmitted for the information of the Commander in Chief.

SECTION III.

Administration of Justice.

ARTICLE 70.

Whenever any Officer or Soldier shall commit a crime deserving punishment by Court Martial, he shall, by his Commanding Officer, be put under arrest, if an Officer or Non-Commissioned Officer; or if a Soldier, be confined; until he shall be either tried by a Court Martial, or shall be lawfully discharged by a proper authority; and no Officer or Soldier who shall be put in such arrest or confinement shall continue in his confinement longer than may be actually unavoidable.

And such process of arrest or confinement, or an attempt to effect such process, shall in no case be omitted where it may be practicable;—but where resistance may be made, or from other circumstances such process may be impracticable, the offender or offenders shall be liable to trial and punishment at any subsequent period, within the limitations provided in these Articles of War.

ARTICLE 71.

No person shall be liable to be tried or punished for any offence against these Articles, which shall appear to have been committed *more than three years* previous to the order directing the assembly of the Court Martial whereby he is to be tried, unless the person accused, by reason of his absenting himself, or some other manifest impediment, shall not have been amenable to justice within that period; in which case such person shall be liable to be tried, at any time not exceeding *two years* after the impediment shall have ceased.

ARTICLE 72.

Any person amenable to these Articles of War, who may commit any offence against the same, may be tried and punished for such offence in any place within the British Territories, or elsewhere, where he may have come after the commission of the offence, in the same manner as if the offence had been committed where such trial shall take place.

ARTICLE 73.

The Commander in Chief at the Presidencies of Fort William, Fort Saint George, and Bombay respectively for the time being, may appoint General or other Courts Martial, and confirm, and mitigate or commute, or remit the Sentences of such Courts; and may issue his Warrant to any General or other Officer having the Command of a Body of Troops in the service of Her Majesty, or of the East India Company, empowering such Officer to appoint General, or District, or Garrison Courts Martial as occasion may require, for the trial of offences committed by any of the Officers, or Soldiers, or Followers in the service of the said Company, being Natives of the East Indies, or of other places within the limits of the said Company's Charter, and to confirm, and mitigate or commute, or remit the sentences of such Courts Martial.

ARTICLE 74.

A General Court Martial shall not consist of less than *thirteen* Commissioned Officers, unless it be held out of the East India Company's Territories,

Territories, where such Court Martial may consist of *seven* Commissioned Officers, if a greater number cannot be conveniently assembled. And no sentence of a General Court Martial shall be put in execution until after a report shall have been made of the whole proceedings to the Commander in Chief, or to some other person duly authorized to confirm the same, and until his directions shall have been signified thereupon.

Powers of a General Court Martial.

* ARTICLE 75.

A General Court Martial may sentence any Officer or Soldier to Death or Transportation, for any crimes which are by these Articles of War expressly made liable to sentence of Death or Transportation, and for such crimes only.

And when a Commissioned Officer shall be convicted of any offence, of which the punishment is not defined in these Articles of War, or is left discretionary, a General Court Martial may adjudge such Officer to be Dismissed the service;—or to be Suspended from Rank and Pay and Allowances, for a stated period;—or to be Placed lower on the list of his rank, by an alteration of the date of his Commission, thereby losing the corresponding benefit of length of service; and the Court shall in every such sentence specify the extent or degree of Suspension or Reduction, which they shall so adjudge;—or the Court may sentence such Officer to be Reprimanded in such manner as the Commander in Chief may direct.

And a General Court Martial may sentence any Non-Commissioned Officer to be Reduced to the ranks;—or may sentence any Non-Commissioned Officer or Soldier to be Dismissed the service;—or to be Placed lower in the list of the rank which he holds (which shall not involve any forfeiture of service or other advantage, except that of standing,) or may sentence any Soldier to suffer Corporal Punishment not exceeding *fifty lashes*;—or Imprisonment with or without hard labour not exceeding *two years*;—and to be kept in solitary confinement for any portion or portions of such Imprisonment, not exceeding

twenty-eight days at a time, nor eighty-four days in any one year, with intervals between the periods of solitary confinement, of not less duration than such periods of solitary confinement. Provided that no Soldier shall be kept in solitary confinement more than eighty-four days in any one year, whether by the sentence of one or more Courts Martial, or by order of his Commanding Officer.

And a General Court Martial may, in addition either to Corporal Punishment, or to Imprisonment, as aforesaid, sentence a Soldier to Forfeiture of all advantage as to additional Pay and to Pension on discharge, which might have otherwise accrued from the length or nature of his former service; or to Forfeiture of such advantage absolutely, whether it might have accrued from past service, or might accrue from future service, according to the nature of the case, for *disgraceful conduct.*

And a General Court Martial may, in addition to the punishment of Dismissal, sentence any Officer or Soldier to forfeit his arrears of Pay and Allowances due at the time of his discharge, or such proportion thereof as may be required, to make good any loss or damage arising out of his misconduct;—And, in addition to any punishment not involving Dismissal from the service, may sentence any Officer or Soldier to be put under Stoppages not exceeding two-thirds of his Pay and Allowances in the case of an Officer, and not exceeding half of his Pay and Allowances in the case of a Non-Commissioned Officer or Soldier, until the amount of such loss or damage be made good.

Confirmation and Commutation of Sentence by the Commander in Chief.

ARTICLE 76.

In cases wherein a Sentence of *Death* shall have been awarded by a General Court Martial, for any offence against discipline for which sentence of Death is awardable under these Articles of War, the Commander in Chief may confirm such Sentence and cause it to be carried into effect, or may, instead of causing such Sentence to be carried into effect, order the offender, if an Officer, to be Transported for life, or to be

be Imprisoned for any term of years, or to be Dismissed; and, if a Soldier, to be Transported for life, or to be Imprisoned with or without Hard Labour either for life, or for a certain term of years, and with or without solitary confinement, (to be regulated as aforesaid,) as to the Commander in Chief may seem meet.

In cases of Commissioned Officers Sentenced to *Transportation*, the Commander in Chief may in lieu thereof order the offender to be imprisoned for any term of years, or to be Dismissed. And in cases of Commissioned Officers Sentenced to be *Dismissed* from the service, the Commander in Chief may, in lieu of such Punishment, direct, that the offender be Suspended from Rank and Pay and Allowances for a certain period, to be distinctly specified by the Commander in Chief.

And the Commander in Chief may commute a Sentence of *Transportation* passed on a Soldier, to Imprisonment with or without Hard Labour, and with or without Solitary Confinement (to be regulated as aforesaid); and such Imprisonment may be either for the same period for which Transportation shall have been awarded, or for any lesser period.

And the Commander in Chief may commute a Sentence of *Corporal Punishment* to Dismissal from the service; or, in the case of a Non-Commissioned Officer may mitigate such Sentence to Reduction to the ranks; or in the case of a Non-Commissioned Officer or Soldier may commute such Sentence to Imprisonment without Hard Labour, and with or without Solitary Confinement (to be regulated as aforesaid,) for any period not exceeding *two years*.

In cases of Non-Commissioned Officers Sentenced to be *Dismissed* from the service, the Commander in Chief may, in lieu of such punishment, direct that the offender be Reduced to the ranks, or placed lower in the list of the rank which he holds; (which shall not involve any forfeiture of service or other advantage, except that of standing.)

And

And in cases of offenders Sentenced to *Imprisonment with Hard Labour*, the Commander in Chief may mitigate such Sentence by causing the offender to be Reduced to the ranks, in the case of a Non-Commissioned Officer; or in the case of a Non-Commissioned Officer or Soldier by directing that he be Dismissed from the service; or suffer Imprisonment without Hard Labour, and with or without Solitary Confinement, (to be regulated as aforesaid), for any period not exceeding that for which he shall have been Sentenced to such Imprisonment with Hard Labour.

ARTICLE 77.

A District, or Garrison Court Martial shall consist of not less than *Seven* Commissioned Officers, except in situations where that number cannot be conveniently assembled, when such Court may consist of not less than *Five* Commissioned Officers. And such District, or Garrison Court Martial may be composed of Officers of the same Regiment, and shall be assembled in conformity with the orders of the Commander in Chief.

And the Sentence of a District, or Garrison Court Martial shall be confirmed by the Commander in Chief, or by some Officer duly authorized to confirm the same.

Commutation of Sentence.

And the Commander in Chief is empowered to remit, or mitigate, or commute the Sentences of such Courts Martial, in the same manner as the Sentences of General Courts Martial; and to delegate to or withhold from Commanding Officers the power of convening such Courts Martial, and of confirming, remitting, mitigating, or commuting the Sentences of such Courts *(not including forfeiture of pay or pension or other advantage)*, as the Commander in Chief may deem to be most expedient.

And in case of any Sentence, including forfeiture of additional Pay or of Pension on Discharge, or of any prospective advantage, such Sentence

tence shall not be carried into effect until confirmed by the Commander in Chief; and all forfeitures of any present or prospective advantage shall be restorable by the same authority.

Powers of a District or Garrison Court Martial.

* ARTICLE 78.

A District or Garrison Court Martial may Sentence any Non-Commissioned Officers to be Reduced to the ranks,—or may Sentence any Non-Commissioned Officer or Soldier to be Dismissed from the Service; or to be placed lower in the list of the rank which he holds (which shall not involve any forfeiture of service or other advantage, except that of standing;) or may Sentence any Soldier to suffer Corporal Punishment not exceeding *fifty lashes;* or Imprisonment with or without Hard Labour not exceeding *one year*, and to be kept in Solitary Confinement (to be regulated as aforesaid.)

And such Court Martial may, in addition either to Corporal Punishment or to Imprisonment as aforesaid, Sentence a Soldier to forfeiture of all advantage as to additional Pay, and to Pension on Discharge, which might have otherwise accrued from the length or nature of his former service, or to forfeiture of such advantage absolutely, whether it might have accrued from past service, or might accrue from future service, according to the nature of the case, for *disgraceful conduct.*

And such Court Martial may, in addition to the punishment of Dismissal, Sentence any Non-Commissioned Officer or Soldier to forfeit his arrears of Pay and Allowances due at the time of his discharge, or such proportion thereof as may be required to make good any loss or damage arising out of his misconduct; and in addition to any punishment not involving Dismissal from the service, may Sentence any Non-Commissioned Officer or Soldier to be put under Stoppages not exceeding half of his Pay and Allowances, until the amount of such loss or damage be made good.

ARTICLE 79.

A Regimental Court Martial shall consist of not less than *Five* Commissioned Officers, (unless it be found impracticable to assemble that number, when *Three* may be sufficient:) and shall be assembled by order of the Officer Commanding the Regiment. And no Sentence of a Regimental Court Martial shall be of force until the Commanding Officer shall have confirmed the same. Provided that such Commanding Officer shall have power to remit all Sentences whatever passed by such Court, and thereupon to cause the offender to be released and to return to his duty.

Commutation of Sentence.

And such Commanding Officer shall have power to confirm and carry into effect or to mitigate all Sentences whatever passed by such Court; and to commute a Sentence of *Corporal Punishment* to Imprisonment without Hard Labour, and with or without Solitary Confinement, (to be regulated as aforesaid,) for any period for which such Court is competent to Sentence an offender to suffer Imprisonment and in the same manner; and to mitigate a Sentence of *Dismissal* in the case of a Non-Commissioned Officer, to Reduction to the Ranks;—and to commute a Sentence of *Imprisonment with Hard Labour,* to Dismissal; or to mitigate such Sentence to Reduction to the Ranks; or to Imprisonment without Hard Labour.

Powers of a Regimental Court Martial.

* ARTICLE 80.

A Regimental Court Martial may sentence any Non-Commissioned Officer to be Reduced to the ranks;—or may sentence any Non-Commissioned Officer or Soldier to be dismissed from the service;—or to be placed lower in the list of the rank which he holds (which shall not involve any forfeiture of service or other advantage, except that of standing)

standing,)—or may Sentence any Soldier to suffer Corporal Punishment not exceeding *one hundred lashes;* or Imprisonment, with or without hard labour, for any period not exceeding *six calendar months;* and to be kept in solitary confinement (to be regulated as aforesaid.)

Any such Court Martial may, in addition to the punishment of Dismissal, Sentence any Non-Commissioned Officer or Soldier to forfeit his arrears of Pay and Allowances due at the time of his discharge, or such proportion thereof as may be required to make good any loss or damage arising out of his misconduct; and in addition to any punishment not involving Dismissal from the service, may Sentence any Non-Commissioned Officer or Soldier to be put under Stoppages not exceeding half of his Pay and Allowances, until the amount of such loss or damage be made good.

ARTICLE 81.

An Officer Commanding any Detachment of his own Regiment, may assemble Regimental Detachment Courts Martial;—and an Officer Commanding a Detachment consisting of men of different Corps, may assemble Detachment or Line Courts Martial;—and all such Courts shall be constituted in the same manner as Regimental Courts Martial under the provisions of these Articles of War, and shall have the like powers.

And the provisions of these Articles of War relating to Courts Martial held in Regiments, shall be taken to apply to Courts Martial held in Detachments, in all practicable cases.

Provided that no Officer on detached Command of less than four Troops or Companies, or of Detachments numerically equal to four Troops or Companies, and not being on the line of march or on board any ship or other vessel, shall carry into effect any punishment awarded by a Court Martial held by his order, until the Sentence shall have been confirmed by the Officer Commanding the Regiment to which the offender belongs, or by the nearest Superior Officer holding a Command of not less than a Regiment;—(who is hereby authorized to confirm the same,

same, in like manner, as an Officer Commanding a Regiment is empowered to do;)—Except in detached situations beyond Sea or out of the British Territories, or when on Service in the field, or in cases where an *immediate example* is necessary and reference cannot be made to such Commanding or Superior Officer without detriment to the Service; when the Officer Commanding such Detachment may exercise the powers which are vested in an Officer Commanding a Regiment.

ARTICLE 82.

At all Courts Martial, it shall be competent to the Officer convening the Court to instruct the Court, that, should the Prisoner be found guilty, and Imprisonment form a part of the Sentence, no portion of the Imprisonment should be Solitary;—or, should Corporal Punishment be awardable to the offender, that it shall not be awarded in the particular case; and the Court will govern itself accordingly; and such instruction shall be in writing, and shall be attached to the proceedings of the Court.

Execution of Sentences of Courts Martial.

ARTICLE 83.

In every sentence of Death awarded by a General Court Martial, the Court shall specify that the offender shall "suffer death by being hanged by the neck until he be dead," or "by being shot to death," as the Court in their discretion shall deem expedient; and such sentence, if confirmed, shall be carried into effect accordingly.

ARTICLE 84.

Whenever the sentence of a General Court Martial shall adjudge Transportation, or sentence of Death shall be commuted by competent authority to Transportation, any of the Sudder Courts shall give effect to such sentence, or commuted sentence, on the same being certified to the Court under the authority of the Commander in Chief.

And

And whenever any sentence of a Court Martial shall adjudge imprisonment with hard labour, or with solitary confinement, or both, or whenever the sentence of a Court Martial shall be commuted to any such Imprisonment, it shall be the duty of every Judge, Magistrate, Sheriff, or other Officer in charge of a Jail, to give effect to such sentence, on the offender being delivered into his custody, and on being furnished with a copy of the sentence by the Officer Commanding the Station or Regiment or Detachment, within which the trial is held.

ARTICLE 85.

Whenever any Soldier shall be sentenced to Imprisonment for life, or a sentence of Death shall be commuted to Imprisonment for life, it shall be lawful for the Commander in Chief to order such offender to be Transported beyond sea for life, and such order shall thereupon be made, unless there should be special reasons inducing the Commander in Chief to think such prisoner not a proper subject for Transportation.

ARTICLE 86.

Persons sentenced to Imprisonment by Courts Martial shall be imprisoned in any public prison or in any other fit place which the Commander in Chief shall from time to time direct.

ARTICLE 87.

Every Soldier sentenced to Imprisonment with hard labour, shall, previous to undergoing such punishment, be struck off the strength of his Corps from the date of confirmation of such sentence; and no Soldier who has undergone such punishment for any period shall be capable of being re-admitted in the ranks, or of receiving pension on discharge.

ARTICLE 88.

Offenders sentenced to Dismissal for *disgraceful conduct;*

And offenders subject to Corporal Punishment, or to Imprisonment with hard labour for *disgraceful conduct* shall, on any such sentence being confirmed, be Dismissed with Ignominy.

ARTICLE 89.

In every case wherein a fine, or forfeiture of arrears of pay, or stoppages shall be adjudged by a Court Martial, any pay or public money due to the offender, or that may become due to him, shall be available, with the sanction of the Commander in Chief, for the payment of the amount so adjudged.

And no Soldier sentenced to pay a fine or to stoppages to make good any loss or damage arising out of his misconduct, shall be continued under forfeiture or stoppages under any one such sentence for any period exceeding one year; and no Soldier shall be at any one time placed under forfeiture or stoppages exceeding in the whole the amount of half of his Pay and Allowances, nor be liable to be put under stoppages prospectively while actually under stoppages to the amount of half of his Pay and Allowances.

Forms of Proceeding.

ARTICLE 90.

Trials by Courts Martial may be carried on between the hours of six in the morning and four in the afternoon, and not otherwise, except in cases which may require an immediate example.

ARTICLE 91.

At General Courts Martial a Judge Advocate, or an European Officer of not less than ten years service, shall be appointed to conduct the proceedings.

At all Courts Martial inferior to General, an European Officer of not less than four years standing in the service, except in cases where no Officer of that standing may be available, or the Adjutant of the Regiment, shall be appointed to conduct the proceedings.

ARTICLE 92.

standing,)—or may Sentence any Soldier to suffer Corporal Punishment not exceedieg *fifty lashes;* or Imprisonment, with or with out hard labour, for any period not exceeding *six calendar months;* and to be kept in solitary confinement (to be regulated as aforesaid.)

Any such Court Martial may, in addition to the punishment of Dismissal, Sentence any Non-Commissioned Officer or Soldier to forfeit his arrears of Pay and Allowances due at the time of his discharge, or such proportion thereof as may be required to make good any loss or damage arising out of his misconduct; and in addition to any punishment not involving Dismissal from the service, may Sentence any Non-Commissioned Officer or Soldier to be put under Stoppages not exceeding half of his Pay and Allowances, until the amount of such loss or damage be made good.

ARTICLE 81.

An Officer Commanding any Detachment of his own Regiment, may assemble Regimental Detachment Courts Martial;—and an Officer Commanding a Detachment consisting of men of different Corps, may assemble Detachment or Line Courts Martial;—and all such Courts shall be constituted in the same manner as Regimental Courts Martial under the provisions of these Articles of War, and shall have the like powers.

And the provisions of these Articles of War relating to Courts Martial held in Regiments, shall be taken to apply to Courts Martial held in Detachments, in all practicable cases.

Provided that no Officer on detached Command of less than four Troops or Companies, or of Detachments numerically equal to four Troops or Companies, and not being on the line of march or on board any ship or other vessel, shall carry into effect any punishment awarded by a Court Martial held by his order, until the Sentence shall have been confirmed by the Officer Commanding the Regiment to which the offender belongs, or by the nearest Superior Officer holding a Command of not less than a Regiment;—(who is hereby authorized to confirm the

 same,

same, in like manner, as an Officer Commanding a Regiment is empowered to do;)—Except in detached situations beyond Sea or out of the British Territories, or when on Service in the field, or in cases where an *immediate example* is necessary and reference cannot be made to such Commanding or Superior Officer without detriment to the Service; when the Officer Commanding such Detachment may exercise the powers which are vested in an Officer Commanding a Regiment.

ARTICLE 82.

At all Courts Martial, it shall be competent to the Officer convening the Court to instruct the Court, that, should the Prisoner be found guilty, and Imprisonment form a part of the Sentence, no portion of the Imprisonment should be Solitary;—or, should Corporal Punishment be awardable to the offender, that it shall not be awarded in the particular case; and the Court will govern itself accordingly; and such instruction shall be in writing, and shall be attached to the proceedings of the Court.

Execution of Sentences of Courts Martial.

ARTICLE 83.

In every sentence of Death awarded by a General Court Martial, the Court shall specify that the offender shall "suffer death by being hanged by the neck until he be dead," or "by being shot to death," as the Court in their discretion shall deem expedient; and such sentence, if confirmed, shall be carried into effect accordingly.

ARTICLE 84.

Whenever the sentence of a General Court Martial shall adjudge Transportation, or sentence of Death shall be commuted by competent authority to Transportation, any of the Sudder Courts shall give effect to such sentence, or commuted sentence, on the same being certified to the Court under the authority of the Commander in Chief.

And

In case of the unavoidable absence of an Interpreter, the European Superintending Officer of a Court Martial inferior to General, shall make the Solemn Affirmation prescribed for the Interpreter.

The Judge Advocate or Superintending Officer shall then cause the following Solemn Affirmation to be made by each Member:

"I, A. B., solemnly affirm in the presence of Almighty God, that I "will duly administer justice according to the Articles of War, without "partiality, favour, or affection, and, if any doubt shall arise, then, "according to my conscience, the best of my understanding, and the "custom of War in the like cases, and that I will not divulge the sen- "tence of the Court until it shall be published by authority; and further, "that I will not disclose or discover the vote or opinion of any particu- "lar Member of the Court, unless required to give evidence thereof "by a Court of Justice or a Court Martial in due course of Law."

The following Solemn Affirmation shall then be administered by the Interpreter to the Judge Advocate or Superintending Officer:

"I, A. B., solemnly affirm in the presence of Almighty God, that I "will not upon any account whatsoever disclose or discover the vote or "opinion of any particular Member of the Court Martial, unless required "to give evidence thereof as a witness by a Court of Justice, or a Court "Martial in due course of law, and that I will not, unless it be neces- "sary for the due discharge of my official duties, disclose the sentence "of the Court, until it shall be published by authority."

Provided, that it shall be necessary to re-administer these Solemn Affirmations on the commencement of fresh trials before the same Court.

ARTICLE 98.

All persons who give evidence at a Court Martial are to be examined on Oath according to the forms of their respective religions or on Affirmation—and persons of the Hindoo or Mahomedan persuasion and other persons making Affirmation, shall make Affirmation to the following effect:

"I solemnly affirm, in the presence of Almighty God, that what I "shall state shall be the truth, the whole truth, and nothing but the "truth."

And if any person making such Affirmation as aforesaid, shall wilfully and falsely state any matter or thing which if the same had been sworn would have amounted to perjury, every such offender shall be subject to the same punishment to which persons convicted of perjury are subject.

Summoning Witnesses not amenable to these Articles.

ARTICLE 99.

In all cases where persons required as witnesses before a Court Martial, may not be amenable to Military Law, the Judge Advocate or Commanding Officer shall transmit to the Magistrate within whose jurisdiction the witness may reside, his summons for the attendance of such person, and the Magistrate shall cause the witness to be duly summoned.

Powers and Duties of Provost Marshals.

ARTICLE 100.

For the prompt and instant repression of all irregularities and crimes which may be committed by Troops in the Field and on the Line of March, Provost Marshals shall be appointed by the Commander in Chief, and their Powers shall be regulated according to the established Usages of War and Rules of the Service; their duties are to take charge of Prisoners confined for offences of a general description; to preserve good Order and Discipline; to prevent Breaches of both, by Soldiers and Followers of the Army, and to punish on the spot, on the same day, those whom they may find in the immediate act of committing Breaches of good Order and Military Discipline; Provided, that the punishment

be

be limited to the necessity of the case, and shall accord with the orders which the Provost Marshals may from time to time receive from the Commander of the Forces in the Field, and that whatever may be the crime, the Provost Marshal or his Assistant shall see the offender commit the act, for which summary punishment may be inflicted, or if the Provost Marshal or his Assistant should not see the offender actually commit the crime, but that sufficient proof can be established of the offender's guilt, a Report shall be made to the Commander of the Army in the Field, who is hereby empowered to deal with the case as he may deem most conducive to the maintenance of good Order and Military Discipline. The duties of Provost Marshals being limited to the punishment of offenders whom they may detect in the actual commission of any crime, the General Commanding the Forces in the Field will cause them to exercise the powers entrusted to them in such manner and under such circumstances as he may consider best calculated to prevent and instantly to repress crimes injurious to the Discipline of the East India Company's Army and the Public Service.

Trials by European Courts Martial.

ARTICLE 101.

At any Presidency where the Native Troops have hitherto been authorized to claim to be tried by European Courts Martial, every person amenable to these Articles of War, and who may be under orders for trial by a Court Martial, shall have the right to claim to be tried by European Officers; and should he make such claim, the Court, whether General, District, or Garrison, or Regimental, shall be composed of European Commissioned Officers, and the number of Members and the proceedings shall be governed in all respects by the provisions of these Articles.

And it shall be competent to the Governor General of India in Council by a General Order to authorize the Native Troops of any of the Presidencies to claim to be tried in like manner by European Courts Martial.

SECTION IV.

Effects of the Dead.

* ARTICLE 102.

When any Officer or Soldier, or any person receiving public pay drawn by any Officer in charge of a Public Department belonging to the Army, may die, or be killed in the service, the Commanding Officer of the Regiment or Party, or Officer in charge of the Department, shall, if no Heir or Executor be present, secure his Effects, and direct an inventory thereof to be taken, a duplicate of which is to be lodged in the office of the Adjutant, or Officer in charge of the Department.

* ARTICLE 103.

If there be no Heir or Executor on the spot, the Effects are to be publicly sold; the Commanding Officer of the Regiment or Party, or Officer in charge of the Department, after discharging the debts of the deceased, viz. the expense of Funeral Ceremonies, his Debts in Camp or Quarters, and Regimental Debts of every description, shall account for the residue to the Heir or Heirs declared by Will, whether written or verbal, or nominated in the Regimental Register, or in failure of such to the legal representative of the deceased; and in the event of no Executor, Heir, or other representative of the deceased attending and establishing his claim within twelve months from the date of the casualty, the amount in the hands of the Officer having charge of the Estate, is to be remitted to the General Treasury at the Presidency.

SECTION V.

Miscellaneous.

ARTICLE 104.

The Effects of Deserters are to be publicly sold, and the proceeds after payment of Regimental Debts, remitted by the Officer Commanding

ing the Corps to which the Deserter belongs, to the General Treasury at the Presidency, or appropriated according to the rules obtaining at such Presidency.

ARTICLE 105.

All powers and provisions contained in these Articles relating to the Commander in Chief, shall be construed to extend to the Commander in Chief at any Presidency, and to the Officer Commanding the Forces for the time being at any Presidency, unless when otherwise provided.

All powers and provisions contained in these Articles relating to Soldiers, shall be construed to extend to Non-Commissioned Officers, unless when otherwise provided.

ARTICLE 106.

When any portion of the Troops belonging to one Presidency shall be serving within the limits of another Presidency, such Troops shall be considered as placed, during such service, under the orders and authority of the Commander in Chief, or Commanding Officer of the Forces of the Presidency within which they are serving, for all the purposes of these Articles of War, in the same manner as though they belonged to such Presidency; and all the provisions of these Articles of War, which relate to the trial and punishment of offenders belonging to the Presidency within which the trial is held, are hereby declared applicable to the trial and punishment of offenders amenable to these Articles of War serving within such Presidency. Provided always that it shall be lawful for the Governor General in Council in his executive capacity, to direct that the Troops, or any part thereof of any Presidency, whilst serving without the limits of such Presidency shall continue under the orders and authority of the Commander in Chief, or Commanding Officer of the Forces of the Presidency to which they belong, for all purposes of these Articles.

ARTICLE 107.

Any Officer Commanding any portion of the East India Company's Troops which may at any time be serving in any place out of Her

Majesty's Dominions, or of the Possessions or Territories which are or may be under the Government of the said Company, or of the Territories of those States in alliance with the said Company in which the said Company's Forces are permanently stationed, shall, upon complaint made to him of any offence committed against the property or person of any inhabitant or resident in any such countries, by any person serving with or belonging to the Company's Army, being under the immediate Command of any such Officer, summon and cause to assemble a General Court Martial, which shall consist of not less than three Officers, for the purpose of trying any such person, notwithstanding any such Officer shall not have received any Warrant empowering him to assemble Courts Martial; and every such Court Martial shall have the same powers in regard to summoning and examining witnesses, trial of, and sentence upon any such offenders as are granted by these Articles to General Courts Martial; provided that no sentence of any such Court Martial shall be executed until the General Commanding in Chief the Army to which the Division, Brigade, Detachment, or Party to which any person so tried, convicted and adjudged to suffer punishment shall belong, shall have approved and confirmed the same; except where such sentence shall not exceed the powers granted by these Articles to a District, or Garrison Court Martial, in which case the Officer by whom the Court is convened is hereby authorized to confirm or commute, or mitigate, or remit the same; reporting the proceedings to the said General Commanding in Chief.

Article 108.

General Courts Martial only shall have the power to try Commissioned Officers; or to pass Sentence of Death or Transportation on any offenders.

Article 109.

No person, being acquitted or convicted before a Court Martial of any offence, shall be liable to be tried a second time by the same or any other Court Martial for the same offence. Provided always, that after a

Soldier

Soldier shall have been found guilty by a Court Martial of any military offence, such Court Martial shall inquire into and receive evidence of any previous conviction of such Soldier before a Court Martial or a Court of Justice, and shall enquire into the *general* character of such Soldier; for the purpose of affixing the punishment to which he is liable to be sentenced for the offence of which he has been so found guilty.

Provided that no such evidence shall in any case be received until the Court shall have ascertained that such Soldier had previously to his trial received notice of the intention to produce such evidence on the same. And it is hereby directed that such notice shall be given to all Soldiers previous to trial.

* ARTICLE 110.

No Non-Commissioned Officer shall be Reduced to the ranks but by the sentence of a Court Martial, or by order of the Commander in Chief of the Presidency to which the offender shall belong. Provided that no Non-Commissioned Officer shall be Reduced to the ranks for any limited period; nor Suspended from his rank; nor Reduced from a higher to a lower grade of Non-Commissioned Officer; nor sentenced to suffer Corporal Punishment or Imprisonment, without being first Reduced to the ranks.

* ARTICLE 111.

Any Officer or Soldier thinking himself wronged by his Superior or other Officer, is to complain thereof to the Commanding Officer of his Troop or Company, by whom if the grievance be not redressed, such Officer, Non-Commissioned Officer, or Soldier, may complain to the Commanding Officer of his Regiment, who is hereby required to examine into such complaint, or remit it to his superior authority as the circumstances may require; but if the complaint should appear to be frivolous or groundless, the party preferring it shall be liable to be punished according to the sentence of a General or other Court Martial in manner hereinbefore mentioned; provided that such offender shall not be liable

to

to be sentenced to Dismissal nor to suffer Corporal Punishment or Imprisonment with hard labour.

ARTICLE 112.

In case of light offences, a Commanding Officer, may, without the intervention of a Court Martial, award extra drill with or without pack for a period not exceeding fifteen days; restriction to Barrack limits not exceeding fifteen days; confinement in the Quarter Guard, or Defaulter's Room, not exceeding seven days; removal from Staff situations or acting appointments; or may order Soldiers to be employed in piling and unpiling shot; and in cleaning accoutrements of men in Hospital; but none of these descriptions of punishment shall be awardable by Sentence of a Court Martial. And a Commanding Officer may award solitary confinement not exceeding seven days.

Provided that Soldiers in confinement shall be liable to be ordered to attend ordinary drill.

ARTICLE 113.

Any Officer, or Soldier, who shall be taken prisoner by the Enemy, shall forfeit all claim to pay and allowances during the period of his remaining a prisoner and until he shall again return to the service; when, if he can establish, before a Court Martial, that he was unavoidably taken prisoner in the course of service, and resisted as long as he was able, and that he hath not served with or assisted the Enemy, and that he hath returned as soon as possible to the service, he shall be entitled to receive either the whole, or such portion of his arrears of pay and allowances as the Government of the Presidency to which he may belong shall determine, after the opinion or finding of such Court Martial shall have been confirmed by the Commander in Chief. And every Officer or Soldier in imprisonment under the sentence of a Court Martial, or a commuted sentence, or under the sentence of a Court of Criminal Judicature, shall, during the term of such imprisonment, receive subsistence only, to the amount of his pay proper, according to the rates of Pay granted to Officers and Soldiers of the Bengal Army.

SECTION VI.

Mode of dealing with offences not Military.

ARTICLE 114.

In all places within the jurisdiction of any Civil Judicature, established by appointment of Her Majesty or of the said Company, Officers and Soldiers accused of capital crimes, or of violence, or of offences against person and property, punishable by such Civil Judicature, shall be delivered over to a Magistrate to be proceeded against according to Law.

And all Officers and Soldiers are hereby required to assist the Officers of Justice in apprehending and securing any person so accused.

Crimes to be tried by Courts Martial where no regular Criminal tribunals exist.

ARTICLE 115.

In any place within the limits of the Charter of the East India Company, whether in or out of the British Territories, where there may be no Civil Judicature appointed by Her Majesty or the said Company for the trial of persons accused of offences ordinarily cognizable by Civil Tribunals, such offences when committed by Officers or Soldiers shall be cognizable by Courts Martial.

ARTICLE 116.

General Courts Martial shall have cognizance ordinarily, of offences punishable with Death;

Transportation for Life;

Imprisonment for Life;

Imprisonment

Imprisonment for a period which may extend to fourteen years;

Imprisonment for a period which may extend to seven years.

ARTICLE 117.

District, or Garrison Courts Martial shall have cognizance, ordinarily, of offences punishable with Imprisonment for a period which may extend to three years, and, by special order, of offences ordinarily cognizable by General Courts Martial not liable to the punishment of Death or Transportation, with power to sentence persons convicted of such offences to Imprisonment for any period not exceeding three years.

ARTICLE 118.

Regimental, Detachment, or Line Courts Martial, shall have cognizance, ordinarily, of offences punishable with Imprisonment for a period not exceeding six calendar months, and, by special order, of offences ordinarily cognizable by District, or Garrison Courts Martial, with power to sentence persons convicted of such offences to Imprisonment for a period not exceeding six calendar months.

General Courts Martial.

Punishment of Death.

ARTICLE 119.

Any Officer or Soldier who shall be convicted by a General Court Martial of the crime of "Murder" shall be sentenced to suffer Death by being hanged by the neck until he be dead.

If any injury intended against one person shall, through mistake or accident, light upon another person, and kill him, such killing shall be deemed to be murder, whensoever it would have been murder had the person against whom such injury was intended been killed.

Whensoever

Whensoever death shall result from any injury wilfully caused by an offender, but without his intending such injury to light on any person in particular, such offender shall be guilty of murder, if the offence would have been murder had he intended to do the injury to the person killed.

Offences punishable by Transportation for Life.

ARTICLE 120.

Any Officer or Soldier who shall be convicted by a General Court Martial of any of the offences hereinafter mentioned, accompanied with an attempt to commit murder, or with wounding or other Corporal injury to any person endangering the life of such person: That is to say,

1st.—Breaking, or attempting to break, by day or night, into any Dwelling House, Tent, Boat, or other habitation, or into any building or place used for the preservation of property, with the intent to rob or steal.

2nd.—Robbery or attempt to rob

3rd.—Stealing or attempting to steal in a house, or from the person;

Shall be Sentenced by such General Court Martial to Imprisonment with or without hard labour and Transportation for life.

Offences punishable by Imprisonment which may extend to fourteen years.

ARTICLE 121.

Any Officer or Soldier who shall be convicted by a General Court Martial of any of the offences specified in the last Article, accompanied with wounding or other Corporal injury to any person not endangering the life of such person;—— or

ARTICLE 122.

ARTICLE 122.

Of wounding, or administering poison with intent to murder, whether the person wounded or to whom poison is administered, be the person whom the offender intended to murder or another; —— or

ARTICLE 123.

Of Robbery by open violence, or Dacoity, that is to say, going forth in the day or in the night with an offensive weapon, or in a gang with or without an offensive weapon, with the intention of committing robbery, and by force or intimidation robbing or attempting to rob any person in any place, or attacking by open violence any house, or place of habitation, or any place in which property may be kept, for the purpose of robbery; —— or

ARTICLE 124.

Of breaking, or attempting to break, into any Dwelling House, Tent, Boat, or other place of habitation, between sunset and sunrise, with intent to rob or steal; —— or

ARTICLE 125.

Of breaking into any such place of habitation, or into any place used for the preservation of property, and stealing therefrom property the value of which shall exceed one hundred Company's Rupees; —— or

ARTICLE 126.

Of purchasing or receiving plundered or stolen property, knowing it to have been obtained by robbery by open violence, or by theft or robbery aggravated as described in Article 120 or Article 121;

Shall be sentenced by such General Court Martial to Imprisonment with or without Hard Labour for a period not exceeding fourteen years.

Offences

Offences punishable by Imprisonment not exceeding seven years.

ARTICLE 127.

Any Officer or Soldier who shall be convicted by a General Court Martial of culpable Homicide not amounting to wilful murder; —— or

ARTICLE 128.

Of premeditated affray, attended with Homicide, or severe wounding, or other aggravating circumstance;—— or

ARTICLE 129.

Of intentionally wounding, maiming, or otherwise doing Corporal injury to any person; —— or

ARTICLE 130.

Of accidentally wounding, maiming, or otherwise doing Corporal injury to any person, with the intention of doing such injury to another person; —— or

ARTICLE 131.

Of breaking into any Dwelling House, Tent, Boat, or other place of habitation, or into any place used for the preservation of property, between sunrise and sunset, with intent to steal therein; —— or

ARTICLE 132.

Of stealing from any habitation, or from any person, any property exceeding Three Hundred Company's Rupees in value; —— or

ARTICLE 133.

Of having purchased any property so stolen, exceeding in value Three Hundred Company's Rupees, knowing it to have been stolen; —— or

ARTICLE 134.

Of Arson; —— or

ARTICLE 135.

Of an unnatural crime; —— or

ARTICLE 136.

Of Rape; —— or

ARTICLE 137.

Of enticing and taking away, or of causing to be enticed or taken away for any unlawful purpose, any unmarried woman under the age of fifteen years; —— or

ARTICLE 138.

Of stealing a child under the age of eight years;——or

ARTICLE 139.

Of counterfeiting, or causing or procuring the fraudulent fabrication or alteration of any written deed, or printed paper, of any description; or any counterfeit seal or signature thereto; or the illicit imitation of any public stamp or stamped paper, established by Government; or of fraudulently issuing and publishing as true, or of fraudulently giving effect, or attempting to give effect, to fabricated deeds and papers, knowing them to be forgeries; or of using, selling or disposing of such stamped paper, knowing the same to be counterfeit;——or

ARTICLE 140.

Of forging or procuring to be forged any counterfeit Coin, in imitation of any of the Gold, Silver or Copper Coin of the British Government in India; or of any Coin usually received as money in the British Territories; or of clipping, filing, drilling or defacing any such Coin; or of paying or tendering in payment counterfeit Coin, Bank Notes or other Securities for money, knowing the same to be counterfeit, although such Notes or Securities shall be incomplete;

Shall

Shall be Sentenced by such General Court Martial to suffer Imprisonment with or without Hard Labour, for any period not exceeding seven years.

District or Garrison Courts Martial.

Offences punishable by Imprisonment not exceeding three years.

ARTICLE 141.

It shall be competent to the Commander in Chief, and to any Officer having authority to convene District or Garrison Courts Martial, to cause offenders, not being Commissioned Officers, accused of any of the offences specified in the preceding Articles of War, for which the punishment of Death, or Imprisonment or Transportation for Life is not provided therein, to be tried for such offences before a District, or Garrison Court Martial, and such Court shall have power, on conviction, to sentence any such offender to Imprisonment with or without Hard Labour for any period not exceeding three years.

ARTICLE 142.

Any Officer or Soldier who shall be convicted by a General, District, or Garrison Court Martial, of stealing from any habitation, or from the person, any property, of value not exceeding Three Hundred Company's Rupees but exceeding Fifty Company's Rupees; —— or

ARTICLE 143.

Of having purchased or received any stolen property of value not exceeding Three Hundred Company's Rupees, knowing it to have been stolen, but not under aggravating circumstances;—— or

ARTICLE 144.

ARTICLE 144.

Of having stolen property in his possession, and of having kept possession of such property after becoming aware of its having been stolen;

Shall be sentenced by such Court to suffer Imprisonment with or without Hard Labour for any period not exceeding three years.

Regimental, Detachment, or Line Courts Martial.

Offences punishable by Imprisonment not exceeding six months.

ARTICLE 145.

It shall be competent to any Officer having authority to convene a Court Martial, to cause offenders, not being Commissioned Officers, accused of any of the offences specified in the preceding Articles of War, for which no punishment exceeding Imprisonment with Hard Labour for three years is therein provided, to be tried before Regimental, or Detachment, or Line Courts Martial, and any such Court shall have power, on conviction, to sentence any such offender to suffer Imprisonment with or without Hard Labour for any period not exceeding six calendar months.

Offences punishable by Imprisonment from six months to one year, according to the description of the Court.

ARTICLE 146.

Any Officer or Soldier who shall be convicted of stealing property to the value of Fifty Company's Rupees, or of less value;—— or

ARTICLE 147.

ARTICLE 147.

Of Assault or Affray, unattended with Homicide, severe wounding, or aggravating circumstances;

Shall be sentenced to suffer Imprisonment with or without Hard Labour, for any period not exceeding one year, by the award of a General, or District, or Garrison Court Martial; or, for any period not exceeding six calendar months, by the award of a Regimental, or Detachment, or Line Court Martial.

Offences punishable by Imprisonment from six months to two years, according to the description of the Court.

ARTICLE 148.

Any Officer or Soldier who shall be convicted of resisting the process of a Magistrate or Police Officer;—— or

ARTICLE 149.

Of having committed any offence against person or property for which provision is not already made in the preceding Articles of War;

Shall be sentenced to suffer Imprisonment for any period not exceeding two years, by the award of a General Court Martial; not exceeding one year, by the award of a District, or Garrison Court Martial; and not exceeding six calendar months, by the award of a Regimental, or Detachment, or Line Court Martial.

ARTICLE 150.

Any Officer or Soldier who shall be convicted by a General, or District, or Garrison, or Regimental Court Martial, of having been present, aiding and abetting, or of having caused, instigated, or procured, the commission of any of the offences specified in any of the preceding Articles, shall be sentenced by such Court to the punishment therein provided for

such offence, and awardable by General, or District or Garrison, or Regimental Courts Martial, respectively.

ARTICLE 151.

No sentence of Death shall be carried into effect until confirmed by the Commander in Chief, nor, if the trial shall have been held within the British Territories forming part of either of the Presidencies of Fort William, Fort St. George, and Bombay, respectively, until such confirmation shall have been concurred in by the Government of the Presidency where such trial shall have been held.

ARTICLE 152.

The Commander in Chief is authorized at his discretion to confirm any sentence of Death, or to remit such sentence, or to commute it into Imprisonment with hard labour and Transportation for life, or into Imprisonment with hard labour for any term of years.

ARTICLE 153.

No sentence of Transportation shall be carried into effect until confirmed by the Commander in Chief, and the Commander in Chief is authorized at his discretion to confirm any such sentence, or to commute it into Imprisonment with or without hard labour for any period of time.

ARTICLE 154.

It shall be competent to any Officer having authority to confirm the sentence of a General or other Court Matial to remit any sentence passed by such Court Martial, or to mitigate such sentence by substituting simple Imprisonment for Imprisonment with hard labour, or by reducing the period of Imprisonment, or by directing the discharge of the offender in lieu of any Imprisonment.

ARTICLE 155.

A person who may have been tried for any offence by a Court Martial under the authority of these Articles of War, shall not be tried for the same

same in any other Court whatsoever, and no person who shall have been acquitted or convicted of any offence by a Court of Civil Judicature shall be punished by a Court Martial for the same, otherwise than by Cashiering or Dismissal from the service.

ARTICLE 156.

The Regulations at present in force at any Presidency, by which the office and powers of Commissariat Officers, or Officers in charge of the Police, or Superintendents of Bazars, are defined and controuled; or by which Punchayets are constituted and guided; or by which jurisdiction is given to Courts Martial over offences committed by persons amenable to the Articles of War, within certain limits beyond or around Cantonments; are hereby declared to be in full force, and the same shall continue to be observed at the several Presidencies respectively.

SECTION VII.

Application of the Articles.

ARTICLE 157.

All Officers and Soldiers, all Drivers, Farriers, Trumpeters, and Drummers; all unattested Recruits; all Hospital Attendants, Sub-Assistant Surgeons, Native Doctors, and Dressers; all Artificers and Labourers, Suttlers, Followers, public and private, or others attached to or serving with any part of the Army, are to be governed by these Articles and subject to trial by Courts Martial.

Provided, that persons of European descent, (whether on the side of their father or mother) professing the Christian religion, shall not be amenable to these Articles; but if belonging to the descriptions mentioned in this Article, (and not being Her Majesty's natural born subjects born in Europe, or the children of such subjects,) shall be tried and

punished

punished in the same manner as persons are who are subject to the Mutiny Act and Articles of War in force for the better government of the European Officers and Soldiers in the Service of the East India Company.

Promulgation of the Articles.

ARTICLE 158.

These Articles are to be translated into the several languages of the different Presidencies, and the parts following, viz. the second Section, together with the following Articles in other Sections which are marked with an * (Asterisk), viz. 2, 4, 75, 78, 80, 102, 103, 110, and 111, are to be read once every three months at the head of every Regiment, Troop or Company mustered in the service, and to every Recruit at the period of his attestation.

Calcutta 1847 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XX. OF 1847.

Passed by the Right Hon'ble the Governor General of India in Council on the 18th of December, 1847.

An Act for the encouragement of learning in the Territories subject to the Government of the East India Company, by defining and providing for the enforcement of the right called Copyright therein.

WHEREAS doubts may exist whether the right called Copyright can be enforced by the Common Law of England in those parts of the Territories subject to the Government of the East India Company into which the Common Law of England has been introduced:

And whereas doubts may exist whether the said right can be enforced by virtue of the principles of equity and good conscience in the other parts of the Territories subject to the Government of the East India Company:

And whereas for the encouragement of learning it is desirable that the existence of the said right should be placed beyond doubt, and that the said right should be made capable of easy enforcement in every part of the said Territories:

And

And whereas it is doubtful whether the Act of Parliament 5 and 6, Victoria, C. 45, entitled "*an Act to amend the Law of Copyright*," although such Act extend to every part of the British Dominions, has made appropriate and sufficient provision for the enforcement in every part of the said Territories subject to the Government of the East India Company of the said right by proprietors thereof: and whether the said Act of Parliament has made provision for the enforcement of the said right by or against any persons not being subject to the jurisdiction of the Courts established by Her Majesty's Charter:

I. It is therefore hereby enacted, that the Copyright in every book published in the life-time of its author within the said Territories after the passing of the Act of Parliament 3 and 4, Wm. 4, C. 85, entitled "*an Act for effecting an arrangement with the East India Company and for the better government of His Majesty's Indian Territories till the 30th day of April*, 1854," shall endure for the natural life of such author, and for the further term of seven years commencing at the time of his death and shall be the property of such author and his assigns: Provided always, that if the said term of seven years shall expire before the end of forty-two years from the publication of such book, the Copyright shall in that case endure for such period of forty-two years; and that the Copyright in every book published after the death of its author and after the passing of the Act of Parliament last aforesaid shall endure for the term of forty-two years from the first publication thereof and shall be the property of the proprietor of the author's manuscript, from which such book shall be first published, and his assigns.

II. And whereas it is expedient to provide against the suppression of books of importance to the public: It is enacted, that it shall be lawful for the Governor General in Council on complaint made to them that the proprietor of the Copyright in any book published after the passing of this

Act

Act within the said Territories, has after the death of its author refused to republish or to allow the republication of the same, and that by reason of such refusal such book may be withheld from the public, to grant a licence to such complainant to publish such book in such manner and subject to such conditions as they may think fit, and it shall be lawful for such complainant to publish such book according to such licence.

III. And it is hereby enacted, that a Book of Registry wherein may be registered as hereinafter enacted the proprietorship in the Copyright of books and assignments thereof, and licences affecting such Copyright, shall be kept in the office of the Secretary to the Government of India for the Home Department, and shall at all convenient times be opened to the inspection of any person on payment of Eight Annas for every entry which shall be searched for or inspected in the said book, and that such Officer shall whenever thereunto reasonably required, give a copy of any entry in such book certified under his hand, to any person requiring the same on payment to him of the sum of Two Rupees, and such copies so certified shall be received in evidence in all Courts and in all summary proceedings, and shall be *prima facie* proof of the proprietorship or assignment of Copyright or licence as therein expressed, but subject to be rebutted by other evidence.

IV. And it is enacted, that if any person shall wilfully make or cause to be made any false entry in the Registry Book aforesaid, or shall wilfully produce, or cause to be tendered in evidence any paper falsely purporting to be a copy of any entry in the said Book, he shall be guilty of a misdemeanour and shall be punished with imprisonment with or without hard labour for a term not exceeding three years.

V. And it is enacted, that after the passing of this Act, it shall be lawful for the proprietor of Copyright in any book published, after the passing

passing of the said Act of Parliament 3 and 4, Wm. 4, C. 85, to make entry in the Registry Book of the title of such book, the time of the first publication, and the name and place of abode of the publisher thereof, and the name and place of abode of the proprietor of the Copyright of the said book, or of any portion of such Copyright in the form in that behalf given in the Schedule to this Act annexed upon payment of the sum of Two Rupees to the said Secretary, and that it shall be lawful for every such registered proprietor to assign his interest or any portion of his interest therein, by making entry in the said Book of Registry of such assignment, and of the name and place of abode of the Assignee thereof in the form given in that behalf in the said Schedule on payment of the like sum; and such assignment so entered shall be effectual in Law to all intents and purposes whatsoever without being subject to any stamp or duty, and shall be of the same force and effect as if such assignment had been made by Deed.

VI. And it is enacted, that if any person shall deem himself aggrieved by any entry made under colour of this Act in the said Book of Registry, it shall be lawful for such person to apply by motion to the Supreme Court of Calcutta, or if the Court shall not be then sitting to any Judge of such Court sitting in Chambers for an order that such entry may be expunged or varied, and that upon any such application to the said Court, or to a Judge as aforesaid, such Court or Judge shall make such order for expunging, varying or confirming such entry either with or without costs, as to such Court or Judge shall seem just, and the said Secretary shall on the production to him of any such order for expunging or varying any such entry expunge or vary the same according to the requisitions of such order.

VII. And it is enacted, that if any person shall after the passing of this Act print or cause to be printed either for sale or exportation, any book in which there shall be subsisting Copyright without the consent in writing of the proprietor thereof, or shall have in his possession for sale or

hire

hire any such book so unlawfully printed without such consent as aforesaid, such offender if he shall have so offended within the local limits of the jurisdiction of any of the Courts of Judicature established by Her Majesty's Charter, shall be liable to a special action on the case in such Court, and if he shall have so offended in any other part of the Territories subject to the Government of the East India Company to a suit in the Zillah Court within the jurisdiction of which he shall have so offended, which shall and may be prosecuted in the same manner in which any other action of damages may be brought and prosecuted there, and if he shall have so offended in any such last mentioned part of the Territories subject to the Government of the East India Company in which there is no Zillah Court, to a suit in the highest local Court exercising original Civil jurisdiction in such part of the said Territories.

VIII. And it is hereby enacted, that after the passing of this Act in any suit or action brought in any of the Courts of Judicature established by Her Majesty's Charter under the provisions of this Act against any person for printing any such book for sale, hire or exportation, or for selling, publishing or exposing to sale or hire, or causing to be sold, published or exposed to sale or hire, or for having in his possession for sale or hire any such book so unlawfully printed, the defendant on pleading thereto shall give to the plaintiff a notice in writing of any objections on which he means to rely on the trial of such action, and if the nature of his defence be that the plaintiff in such action was not the author or first publisher of the book in which he shall by such action claim Copyright, or is not the proprietor of the Copyright therein, or that some other person than the plaintiff was the author or first publisher of such book, or is the proprietor of the Copyright therein, then the defendant shall specify in such notice the name of the person who he alleges to have been the author or first publisher of such book, or the proprietor of the Copyright therein, together with the title of such book, and the time when and the place

where

where such book was first published, otherwise the defendant in such action shall not at the trial or hearing of such action be allowed to give any evidence that the plaintiff in such action was not the author or first publisher of the book in which he claims such Copyright as aforesaid, or that he was not the proprietor of the Copyright therein, and at such trial or hearing no other objection shall be allowed to be made on behalf of such defendant than the objections stated in such notice, or that any other person was the author or first publisher of such book, or the proprietor of the Copyright therein than the person specified in such notice, or give in evidence in support of his defence any other book than one substantially corresponding in title, time and place of publication with the title, time and place specified in such notice.

IX. And it is hereby enacted, that after the passing of this Act in any such suit or action as last aforesaid brought in any Zillah Court or other local Court as aforesaid the defendant shall state in his answer all such matters as he means to rely on and which by the last preceding Section the defendant in any suit or action brought in any of the Courts of Judicature established by Her Majesty's Charter is required to give notice of in writing, otherwise such defendant shall be subject to the same consequences for any omission in his answer as a defendant is made subject to by the last preceding Section for any omission in his notice.

X. And it is hereby enacted, that when any publisher or other person shall within the said Territories before or at the time of the passing of this Act, but after the passing of the said Act of Parliament 3 and 4, Wm. 4, C. 85, have projected, conducted and carried on, or shall hereafter project, conduct or carry on, or be the proprietor of any Encyclopœdia, Review, Magazine, Periodical work or work published in a series of Books or Parts, or any book whatsoever, and shall have employed or shall employ any persons to compose the same, or any Volumes, Parts, Essays, Articles

or Portions, thereof for publication in, or as part of the same, and such Work, Volumes, Parts, Essays, Articles or Portions shall have been, or shall hereafter be composed under such employment on the terms that Copyright therein shall belong to such Proprietor, Projector, Publisher or Conductor, and paid for by such Proprietor, Projector, Publisher or Conductor, the Copyright in every such Encyclopœdia, Review, Magazine, Periodical work and work published in a series of Books or Parts, and in every Volume, Part, Essay, Article and Portion so composed and paid for shall be the property of such Proprietor, Projector, Publisher or Conductor, who shall enjoy the same rights as if he were the actual author thereof and shall have such term of Copyright therein as is given to the authors of Books by this Act, except only that in the case of Essays, Articles or Portions forming part of and first published in Reviews, Magazines or other Periodical works of a like nature after the term of twenty-eight years from the first publication thereof respectively the right of publishing the same in a separate form shall revert to the author for the remainder of the term given by this Act. Provided always, that during the term of twenty-eight years the said Proprietor, Projector, Publisher or Conductor shall not publish any such Essay, Article or Portion separately or singly without the consent previously obtained of the author thereof or his assigns : Provided also, that nothing herein contained shall alter or affect the right of any person who shall have been or shall be so employed as aforesaid to publish any such his composition in a separate form who by any contract, express or implied, may have reserved or may hereafter reserve to himself such right, but every author reserving, retaining or having such right shall be entitled to the Copyright in such composition when published in a separate form according to this Act without prejudice to the right of such Proprietor, Projector, Publisher or Conductor as aforesaid.

XI. And it is hereby enacted, that the Proprietor of the Copyright in any Encyclopœdia, Review, Magazine, Periodical work or other work published

published in a series of Books or Parts shall be entitled to all the benefits of the Registration in the Office of the Secretary to the Government of India for the Home Department, under this Act, on entering in the said Book of Registry the title of such Encyclopœdia, Review, Periodical work or other work published in a series of Books or Parts, the time of the first publication of the first Volume, Number or Part thereof, or of the first Volume, Number or Part first published after the passing of this Act in any such work which shall have been published heretofore, and after the passing of the said Act of Parliament 3 and 4, William 4, C. 85, and the name and place of abode of the Proprietor thereof and of the Publisher thereof when such Publisher shall not also be the Proprietor thereof.

XII. And it is enacted, that all copies of any Book wherein there shall be Copyright, and of which entry shall have been made in the said Registry Book and which shall have been unlawfully printed without the consent of the Registered Proprietor of such Copyright in writing under his hand first obtained shall be deemed to be the property of the Proprietor of such Copyright and who shall be registered as such, and such Registered Proprietor shall, after demand thereof in writing, be entitled to sue for and recover the same or damages for the detention thereof.

XIII. And it is enacted, that if the case be within the jurisdiction of any of the Courts of Judicature established by Her Majesty's Charter, such Registered Proprietor shall be entitled to sue for and recover such copies or damages for the detention thereof in an action of Detinue, from any party who shall detain the same, or to sue for and recover damages for the conversion thereof in an action of Trover, and that if the case be within the jurisdiction of any Zillah Court or other local Court as aforesaid, the Registered Proprietor shall be entitled to sue for and recover such copies or damages for the detention or conversion thereof, in such

form

form as is in use in the said Zillah or other local Courts for the recovery of specific personal property or damages for the detention or conversion thereof.

XIV. And it is enacted, that no Proprietor of Copyright in any book first published after the passing of the said Act of Parliament 3 and 4, Wm. 4, C. 85, shall maintain under the provisions of this Act any action or suit at law or in equity, or any summary proceeding in respect of any infringement of such Copyright unless he shall before commencing such action, suit or proceeding have caused an entry to be made in the Book of Registry at the Office of the said Secretary of such book pursuant to this Act. Provided always, that the omission to make such entry shall not affect the Copyright in any book, nor the right to sue or proceed in respect of the infringement thereof except the right to sue or proceed in respect of the infringement thereof under the provisions of this Act.

XV. And it is enacted, that if any action or suit shall be commenced or brought in any of the Courts of Judicature established by Her Majesty's Charter against any person or persons whomsoever for doing or causing to be done any thing in pursuance of this Act the defendant or defendants in such action may plead the general issue and give the special matter in evidence; and if upon such action a verdict shall be given for the defendant or the plaintiff shall become nonsuited or discontinue his action, then the defendant shall have and recover his full costs for which he shall have the same remedy as a defendant in any case by law hath in the said last-mentioned Courts.

XVI. And it is enacted, that all actions, suits, bills, indictments, informations and other criminal proceedings for any offence which shall be committed against this Act shall be brought, sued and commenced within twelve calendar months next after such offence committed, or else the same shall be void and of none effect.

XVII. Provided

XVII. Provided always and it is enacted, that nothing in this Act contained shall affect, alter or vary any right subsisting at the time of passing this Act except as herein expressly enacted; and all contracts, agreements and obligations made and entered into before the passing of this Act and all remedies relating thereto, shall remain in full force, any thing herein contained to the contrary notwithstanding.

SCHEDULE.

No. 1.

Original Entry of Proprietorship of Copyright of a Book.

Time of making the Entry.	Title of Book.	Name of the Publisher and Place of Publication.	Name and Place of abode of the Proprietor of the Copyright.	Date of First Publication.

No. 2.

No. 2.

Form of Entry of Assignment of Copyright in any Book previously registered.

Date of Entry.	Title of Book.	Assigner of the Copyright.	Assignee of the Copyright.
	(Set out the Title of the Book and refer to the page of the Registry Book in which the original Entry of the Copyright thereof is made.)		

Calcutta, 1848:—Printed at the Military Orphan Press, by W. Ridsdale.

ACT No. XXI. OF 1847.

Passed by the Right Hon'ble the Governor General of India in Council on the 18th of December, 1847.

An Act for the improvement of the Administration of Justice and despatch of Business in the Supreme Court of Judicature at Bombay.

I. IT is hereby enacted, that from and after the passing of this Act, it shall be lawful for any one of the Judges of the Supreme Court of Judicature at Bombay when occasion shall so require to sit apart from the other Judges or Judge, as the case may be, of the same Court for the despatch of the Criminal Business of the said Court, at the same time when the other Judges or Judge, as the case may be, of the said Court shall be sitting for the despatch of Business in the said Supreme Court, and that all Proceedings whatever so had by and before such Judge, so sitting apart for the purpose aforesaid, shall be good, valid and effectual in the Law to all intents and purposes as fully as if the said Proceedings were had before all the Judges of the said Court sitting as a Court of Oyer and Terminer and Gaol Delivery under the Charter of the said Court.

II. And it is hereby further enacted, that all business of what nature or kindsoever which the said Supreme Court of Judicature at Bombay

Bombay may or shall have power to transact in Term, it shall in like manner have power to transact out of Term, and that all Proceedings whatever before the said Court out of Term, shall be as good, valid and effectual in the Law to all intents and purposes as fully as if the said Proceedings were had in Term; and that all Rules and Orders of the said Court as to all Judgments, Executions or other Proceedings in Term, shall be applicable and shall be applied to all Judgments, Executions or other Proceedings given, issued or had out of Term, as near as the same can be made applicable thereto, and the said Court shall issue such new Rules and Orders as may be necessary for the purpose of giving full effect to the provisions in this Act contained.

Calcutta, 1848:—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XXII. OF 1847.

Passed by the Right Hon'ble the Governor General of India in Council on the 18*th of December,* 1847.

To enable the Commissioners who may be appointed under Act XVI. of 1847 *to purchase and hold real or personal property for the Improvement of the Town of Calcutta.*

WHEREAS by Act XVI. of 1847, entitled an Act for constituting Commissioners for the Improvement of the Town of Calcutta, partly by appointment of the Government and partly by election of the Rate-payers, provision was made for the appointment and election of such Commissioners, or in default of election, for the appointment of the whole of such Commissioners:

And whereas it is expedient, that provision should be made to enable such Commissioners to purchase and hold real or personal property for the purposes aforesaid in manner hereinafter mentioned:

And whereas it is probable that benevolent and public spirited individuals, with the view of contributing to the improvement and adornment

ment of the said Town may be desirous of settling real or personal property by Deed or Will upon such Commissioners:

I. It is therefore enacted, that the said Commissioners shall be Trustees for and on behalf of the Government of Fort William in Bengal and of the inhabitants of Calcutta, and shall sue and be sued at Law and in Equity in Her Majesty's Supreme Court of Judicature at Fort William by the name of the Commissioners for the Improvement of the Town of Calcutta, and shall have a common seal, and shall have power to take, purchase and hold lands, tenements, hereditaments, goods, chattels and other property, as such Trustees for the purposes aforesaid.

II. And it is enacted, that whenever it shall appear to the said Commissioners, or a majority of them, that it is necessary they should purchase any houses, buildings or grounds for the purposes aforesaid, the said Commissioners shall represent the same to the Governor of Bengal, and if he shall consent thereto, but not otherwise, shall enter into treaties for the purchase of such houses, buildings or grounds with the owners thereof, and in case they shall not be able to come to agreement with such owners or the amount of compensation shall not be settled by arbitration as hereinafter provided, then the said Commissioners shall apply to the Sheriff of Calcutta to summon a Jury, and the said Sheriff shall forthwith summon a Jury in manner hereinafter mentioned, to assess the price which the said Commissioners shall pay to the said owner or owners for the purchase of such houses, buildings and grounds with all appurtenances as aforesaid.

III. And whereas it is expedient to make provision for those cases in which the said Commissioners may be able to purchase lands, buildings or tenements by agreement: it is enacted, that it shall and may be lawful for the said Commissioners to agree with the owners of any lands, buildings or tenements by this Act authorized to be taken and which

shall

shall be required for the purposes of this Act, and with all parties having any estate or interest in such lands, buildings or tenements, or by this Act or by any other authority or power enabled to sell and convey the same, for the absolute purchase of any such lands, buildings or tenements, or such parts thereof as they shall think proper, and of all estates and interests in such lands of what kindsoever.

IV. And it is enacted, that it shall and may be lawful for all parties being seized, possessed of, or entitled to any such lands, buildings or tenements, or any estate or interest therein, to sell and convey or release the same to the said Commissioners and to enter into all necessary agreements for that purpose, and particularly it shall be lawful for all or any of the following parties so seized, possessed or entitled as aforesaid so to sell, convey or release (that is to say) all corporations, tenants in tail, or for life, married women seized in their own right or entitled to dower, guardians, committees of lunatics and idiots, trustees or feofees in trust for charitable or other purposes, executors and administrators, and all parties for the time being entitled to the receipt of the rents and profits of any such lands in possession, or subject to any estate in dower, or to any lease for life or for lives, or for years, or any less interest, and the power so to sell and convey or release as aforesaid, may lawfully be exercised by all such parties not only on behalf of themselves and their respective Heirs, Executors, Administrators and Successors, but also for and on behalf of every person entitled in reversion, remainder or expectancy after them, or in defeasance of the estates of such parties, and as to such married women whether they be of full age or not as if they were sole and of full age, and as to such guardians on behalf of their wards, and as to such committee on behalf of the lunatics and idiots of whom they are the committees respectively, and that to the same extent as such wives, wards, lunatics and idiots respectively could have exercised the same power under the authority of this Act if they had respectively been under no disability, and as to such Trustees, Executors and Administrators

trators on behalf of their cestui-que trusts whether infants, issue unborn, lunatics, femes covert or other persons, and that to the same extent as such cestui-que trusts respectively could have exercised the same powers under the authority of this Act if they had respectively been under no disability.

V. And it is enacted, that the purchase money, consideration, or compensation to be paid or given for any lands, buildings or tenements to be purchased or taken from any party under any disability, or incapacity and not having any power to sell or convey such lands except under the provisions of this Act, and the compensation to be paid for any permanent damage or injury to any such lands, buildings or tenements shall in all cases be determined by the verdict of a jury to be summoned as hereinafter provided.

VI. And it is enacted, that it shall be lawful for any person seized in fee or entitled absolutely for his own benefit to any lands, buildings or tenements authorized to be purchased for the purposes of this Act to sell and convey such lands, buildings or tenements, or any part thereof, unto the said Commissioners in consideration of an annual rent-charge payable by the said Commissioners, but except as aforesaid the consideration to be paid for the purchase of any such lands, buildings or tenements, or for any damage done thereto, shall be in a gross sum.

VII. And it is enacted, that the yearly rent reserved by any conveyance of lands, buildings or tenements purchased by the said Commissioners for the purposes of this Act shall be charged on the rates hereinafter authorized to be raised and levied, and shall be paid by the said Commissioners as such rents become payable, and if at any time any such rents be not paid within thirty days after they so become payable, and after demand thereof in writing, the person to whom any such rent shall be payable, may recover the same from the said Commissioners

missioners with costs of suit by action of debt in the said Supreme Court.

VIII. And it is enacted, that when the said Commissioners shall require to purchase or take any of the lands, buildings or tenements which by this Act they are authorized to purchase or take, they shall give notice thereof to all the parties interested in such lands, or to the parties enabled by this Act to sell and convey or release the same or such of the said parties as shall after diligent inquiry be known to the said Commissioners, and by such notice shall demand from such parties the particulars of their estate and interest in such lands and of the claims made by them in respect thereof, and every such notice shall state the particulars of the lands so required, and that the said Commissioners are willing to treat for the purchase thereof, and as to the compensation to be made to all parties for the damage that may be sustained by them by reason of the execution of the works.

IX. And it is enacted, that all notices required to be served by the said Commissioners upon the parties interested in or entitled to sell any such lands, buildings or tenements shall either be served personally on such parties, or left at their last usual place of abode if any such can after diligent inquiry be found, and in case any such parties shall be absent from the said Town or cannot be found after diligent inquiry, such notices shall be left with the occupier of such lands, or if there be no such occupier shall be affixed upon some conspicuous part of such lands.

X. And it is enacted, that if the party claiming compensation desire to have the same settled by arbitration, and signify such desire by notice in writing to the said Commissioners before they have issued their warrant to the Sheriff to summon a jury in respect of such lands under the provisions hereinafter contained, stating in such notice the nature of the

the interest in respect of which such party claims compensation, and the amount of the compensation so claimed, the same shall be so settled by arbitration accordingly, but unless the party claiming compensation shall as aforesaid signify his desire to have the question of such compensation settled by arbitration, or if when the matter shall have been referred to arbitration the arbitrators or the umpire shall for three months have failed to make their or his award, or if no final award shall be made, the question of such compensation shall be settled by the verdict of a jury as hereinafter provided.

XI. And it is enacted, that when any question of disputed compensation by this Act authorized or required to be settled by arbitration, shall have arisen then unless both parties shall concur in the appointment of a single arbitrator, each party on the request of the other party shall nominate and appoint an arbitrator to which two arbitrators such dispute shall be referred, and every appointment of an arbitrator shall be made on the part of the said Commissioners under the hands of two of the said Commissioners, or of their Clerk duly authorized by such two Commissioners, and on the part of any other party under the hand of such party, or if such party be a corporation aggregate under the common seal of such corporation, and such appointment shall be delivered to the arbitrator or arbitrators, and shall be deemed a submission to arbitration on the part of the party by whom the same shall be made, and after any such appointment shall have been made neither party shall have power to revoke the same without the consent of the other, nor shall the death of either party operate as a revocation, and if after any such dispute shall have arisen and after a request in writing in which shall be stated the matter so required to be referred to arbitration, shall have been served by the one party on the other party to appoint an arbitrator, such last mentioned party fail within fourteen days after such service to appoint such arbitrator, then upon such failure the party making the request, and having himself appointed an arbitrator may appoint such

arbitrator

arbitrator to act on behalf of both parties, and such arbitrator may proceed to hear and determine the matters which shall be in dispute, and in such case the award or determination of such single arbitrator shall be final.

XII. And it is enacted, that if before the matters so referred shall be determined, any arbitrator appointed by either party shall die or become incapable to act, the party by whom such arbitrator was appointed may nominate and appoint in writing some other person to act in his place, and if for the space of seven days after notice in writing from the other party for that purpose he shall fail to do so, the remaining or other arbitrator may proceed to hear and determine the matters which shall be in dispute, and every arbitrator who shall be so substituted as aforesaid shall have the same power and authorities as were vested in the former arbitrator at the time of such his death or disability aforesaid.

XIII. And it is enacted, that where more than one arbitrator shall have been appointed such arbitrators shall before they enter upon the matters referred to them, nominate and appoint by writing under their hands an umpire to decide on any such matters on which they shall differ, or which shall be referred to him under the provisions of this Act, and if such umpire shall die or become incapable to act, they shall forthwith after such death or incapacity appoint another umpire in his place, and the decision of every such umpire on the matters so referred to him shall be final.

XIV. And it is enacted, that if in either of the cases aforesaid the said arbitrators shall refuse, or shall for seven days after request of either party to such arbitration, neglect to appoint an umpire, any two of the Magistrates of Calcutta shall on the application of either party to such arbitration appoint an umpire, and the decision of such umpire on the matters on which the arbitrators shall differ or which shall be referred to him under this Act shall be final.

XV. And

XV. And it is enacted, that when a single arbitrator shall have been appointed as hereinbefore provided, and such arbitrator shall die or become incapable to act before he shall have made his award, the matters referred to him shall be determined by arbitrators under the provisions of this Act in the same manner as if such arbitrator had not been appointed.

XVI. And it is enacted, that if where more than one arbitrator shall have been appointed either of the arbitrators refuse, or for seven days after the day of his appointment shall neglect to act, the other arbitrator may proceed to hear and determine the matters in dispute, and the decision of such other arbitrator shall be as effectual as if he had been the single arbitrator appointed by both parties.

XVII. And it is enacted, that if where more than one arbitrator shall have been appointed and where neither of them shall refuse or neglect to act as aforesaid, but such arbitrators shall fail to make their award within twenty-one days after the day on which the last of such arbitrators shall have been appointed, or within such extended time, (if any) as shall have been appointed for that purpose by both such arbitrators under their hands, the matters referred to them shall be determined by the umpire to be appointed as aforesaid.

XVIII. And it is enacted, that the said arbitrators or their umpire may call for the production of any documents in the possession or power of either party which they or he may think necessary for determining the question in dispute, and may examine the parties or their witnesses on oath or solemn affirmation, and administer the oaths and solemn affirmation necessary for that purpose.

XIX. And it is enacted, that before any such arbitrator or umpire as aforesaid shall enter into the consideration of any matters referred to him he shall in the presence of a Magistrate of Calcutta make and subscribe the following declaration, that is to say—

I, A. B.,

I, A. B., do solemnly and sincerely declare that I will faithfully and honestly to the best of my skill and ability hear and determine the matters referred to me under the provisions of the Act XXII. of 1847

A. B.

Made and subscribed
in the presence of C. D.

And such declaration shall be annexed to the award when made, and if any arbitrator or umpire having made such declaration shall wilfully act contrary thereto, he shall be deemed guilty of a misdemeanour.

XX. And it is enacted, that all the costs of any such arbitration and incident thereto, shall be settled by the said arbitrators and shall be borne by the said Commissioners, unless the arbitrators shall award the same or a less sum than shall have been offered by the said Commissioners in which case each party shall bear their own costs incident to the said arbitration, and the costs of the said arbitrators shall be borne by the parties in equal proportions.

XXI. And it is enacted, that the said arbitrators or the said umpire as the case may be, shall deliver their award in writing to the said Commissioners, and the said Commissioners shall retain the same, and on demand made at the office of their Clerk shall forthwith at their own expense furnish a copy thereof to the other party to the arbitration, and shall at all reasonable times when thereunto required produce the said award and allow the same to be inspected or examined at the office of their said Clerk by such party or any person appointed by him for that purpose.

XXII. And it is enacted, that the submission to any such arbitration as aforesaid may be made a rule of the said Supreme Court on the application of either or any party thereto, and may be enforced against all necessary parties by any rule, order or decree of the said Court notwithstanding

withstanding that any or either of the said parties are not otherwise subject to the jurisdiction of the said Court.

XXIII. And it is enacted, that no award made with respect to any question referred to arbitration under the provisions of this Act shall be set aside for irregularity or error in matter of form.

XXIV. And it is enacted, that in every case in which a dispute or difference shall arise between the said Commissioners, and any person or persons whose property they may intend or desire to purchase for the purposes of this Act as to the amount of compensation to be paid for the said property which difference and dispute either of the said parties shall refuse to settle by arbitration the said Commissioners shall issue a warrant in writing signed by any one of them and sealed with their common seal to the Sheriff of Calcutta, requiring him to summon a jury for the purpose of settling the said difference or dispute; and if such Sheriff be interested in the matter in dispute such warrant shall be addressed and sent to the Coroner of Calcutta, and if the said Sheriff and the said Coroner be both of them interested in the said matter then the said warrant shall be addressed and sent to the last person who shall have filled the office of Sheriff of Calcutta who is not interested in the said matter and who is at the time of the issuing the said warrant an inhabitant of the said Town of Calcutta, and every such Sheriff, Coroner, or Ex-Sheriff shall have power if he think fit to appoint a Deputy or Assessor.

XXV. And it is enacted, that throughout the enactments contained in this Act relative to a reference to a jury where the term Sheriff is used the provisions applicable thereto shall be held to apply to every Coroner or other person lawfully acting in the place of the Sheriff, and in every case in which any such warrant as aforesaid shall have been directed to any other person than the said Sheriff of Calcutta, such

Sheriff

Sheriff shall immediately on receiving notice of the delivery of the warrant on application being made to him for that purpose deliver over to the person to whom the said warrant shall have been directed, or to any other fit and proper person appointed by him to receive the same the Jurors' book and Special Jurors' list for the Town of Calcutta.

XXVI. And it is enacted, that upon the receipt of such warrant as aforesaid the Sheriff shall summon a jury of ten indifferent persons duly qualified to act as common jurymen in Her Majesty's Supreme Court of Judicature aforesaid, to meet at a convenient time and place to be appointed by him for that purpose, such time not being less than fourteen nor more than twenty-one days after the receipt of such warrant, and such place not being more than two miles from the lands, buildings or tenements concerning and relating to which the said difference or dispute shall have arisen unless by consent of the parties interested some other time and place be agreed upon and settled, and the said Sheriff shall forthwith give notice to the said Commissioners of the time and place so appointed by him.

XXVII. And it is enacted, that out of and from the number of jurors appearing upon such summons as aforesaid, a jury of five persons shall be drawn by the said Sheriff in such number and form as juries for trials of offences before the said Supreme Court are by the rules and orders of the said Court required to be drawn, and if a sufficient number of the jurymen so summoned as aforesaid do not appear in obedience to such summons as aforesaid the Sheriff shall return other indifferent men duly qualified as aforesaid of the bye-standers or others that can speedily be procured to make up the jury to the said number of five persons, and the said Commissioners and all other parties interested in the said lands, buildings or tenements may have and make their challenges against any of the said jurymen according to the course and practice of the said

Supreme

Supreme Court, but neither the said Commissioners nor any of the said parties interested as aforesaid shall challenge the array.

XXVIII. And it is enacted, that in every such inquiry as aforesaid the said Sheriff shall preside, and the party or parties claiming compensation from the said Commissioners shall be deemed the plaintiff or plaintiffs, as the case may be, and shall have all such rights and privileges as the plaintiff is entitled to in the trial of actions at law in the Court of Queen's Bench at Westminster, and if the said Commissioners or any persons interested in the said lands, buildings or tenements so request in writing, the said Sheriff shall summon before him, any person who shall by the said Commissioners, or any person interested as aforesaid be considered necessary to be examined as a witness touching the matters in question, and on the like request the said Sheriff shall order the said jury to view the place or matter in controversy in like manner as views may be had in the trial of actions at law in the Court of Queen's Bench at Westminster.

XXIX. And it is enacted, that if the said Sheriff make default in any matter hereinbefore required to be done by him in relation to any such trial or inquiry as aforesaid, he shall forfeit and pay the sum of Five Hundred Rupees for every such offence, and such penalty shall be recoverable by the said Commissioners by an action of debt or on the case in the said Supreme Court, and if any person summoned or returned upon any jury under this Act, whether common or special, do not appear, or if appearing do refuse to make such lawful oath or affirmation as the said Sheriff may require, or in any other manner wilfully neglect his duty, he shall unless he shew reasonable excuse for the said default or neglect to the satisfaction of the said Sheriff forfeit a sum not exceeding One Hundred Rupees, and every such penalty as aforesaid payable by a Sheriff or juryman as aforesaid shall be applied in satisfaction of the costs of the said inquiry so far as the same will extend, and

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in addition to the penalty hereby imposed as aforesaid every such juryman shall in all respects be subject to the same regulations, pains and penalties as if such jury were returned for a trial in the said Supreme Court.

XXX. And it is enacted, that if any person who shall have been duly summoned to give evidence upon any such enquiry, and to whom a tender of his reasonable expences shall have been made fail to appear at the time and place specified in the summons without sufficient cause, or if any person whether summoned or not who shall appear as a witness on any such inquiry refuse to be examined on oath or affirmation touching the subject matter in dispute every person so offending shall forfeit and pay to the party aggrieved thereby a sum not exceeding One Hundred Rupees, and that any person examined on oath or affirmation touching the subject matter in dispute who shall wilfully and falsely state any matter which if wilfully and falsely stated by such person in any Court of Justice in which such subject matter might be in dispute, would amount to wilful and corrupt perjury, shall be guilty of wilful and corrupt perjury.

XXXI. And it is enacted, that the said Commissioners shall give to all parties interested in any lands, buildings, or tenements concerning or relating to which an inquiry hath been appointed to be held by the said Sheriff notice of the time and place of such inquiry, not less than ten days before the same is to be held, and the said notice shall be in writing, and shall be served on each of the said parties personally or left at his last known place of abode in the said Town, or if he have no such place of abode then the said notice of every such person shall be twice publicly advertised in one or more of the Newspapers published within the said Town.

XXXII. And it is enacted, that if at any such inquiry any party claiming compensation shall fail to appear in person or by his Counsel or

Agent, such inquiry shall not be proceeded with so far as concerns the compensation claimed by such absent party, but the compensation to be paid by the said Commissioners to such absent party shall be settled and determined by a Surveyor to be named and appointed by any two of the Magistrates of Calcutta without prejudice to such inquiry then and there proceeding before such Sheriff so far as concerns any compensation claimed by any other party or parties interested in such compensation in respect of the same premises who shall so appear.

XXXIII. And it is enacted, that before any jury shall proceed on any such inquiry as aforesaid to inquire of and assess compensation or damages in respect of which their verdict is to be given they shall make oath, or if they object to make oath they shall make a solemn affirmation that they will truly and faithfully enquire of and assess such compensation or damages, and the said Sheriff shall administer such oaths and affirmations as well as the oaths and affirmations of all persons called upon to give evidence.

XXXIV. And it is enacted, that where such inquiry as aforesaid shall relate to the value of any lands, buildings, or tenements to be purchased, and also to compensation claimed for injury done or to be done to any other lands, buildings, or tenements held therewith the jury shall deliver their verdict separately for the sum of money to be paid for the purchase of the lands, buildings, or tenements required by the said Commissioners, or of any interest therein belonging to the party or parties with whom the question of disputed compensation shall have arisen, or which under the provisions herein contained he is enabled to sell or convey, and for the sum of money to be paid by way of compensation for the damage if any sustained or to be sustained by the said party or parties by reason of the severing of the lands, buildings, or tenements taken from the other lands, buildings, or tenements of the said party or parties, or otherwise injuriously affecting such last mentioned lands, buildings or tenements by the exercise of the powers conferred by this Act.

XXXV. And

XXXV. And it is enacted, that the Sheriff before whom such inquiry as aforesaid shall be held shall give judgment for the purchase money or compensation assessed by such jury as aforesaid, and the verdict and judgment shall thereupon be signed by such Sheriff, and being so signed shall be delivered to and kept by the Keeper of the Records in the said Supreme Court among the Records of the said Supreme Court, and such verdicts and judgments shall be deemed Records, and the same or true copies or exemplifications thereof shall be good evidence in all Courts, and elsewhere, and all persons may inspect the said verdicts and judgments, and may have copies or exemplifications thereof, or extracts therefrom, on paying for each inspection of any such verdict and judgment the sum of Eight Annas, and for every one hundred words copied or extracted therefrom Four Annas, which copies, exemplifications or extracts the said Keeper of the Records is hereby required to make out and sign and certify the same to be true.

XXXVI. And it is enacted, that on every such inquiry before a jury as aforesaid where the verdict of the jury shall be given for a greater sum than the sum previously offered by the said Commissioners all the costs of such inquiry shall be borne by the said Commissioners, but if the verdict of the jury shall be for the same or a less sum than the sum previously offered by the said Commissioners one-half of the costs of summoning, impanelling and returning the jury, and of taking the inquiry and recording the verdict and judgment thereon shall be defrayed by the parties claiming the said compensation or purchase money, and the other half by the said Commissioners, and each party shall bear his own costs other than as aforesaid incident to such inquiry.

XXXVII. And it is enacted, that the costs of any such inquiry as aforesaid shall in case of differences arising regarding the same be settled by the Taxing Officer of the said Supreme Court on the application of either party, and such costs shall include all reasonable costs, charges

charges and expences incurred in summoning, returning and impanelling the jury taking the inquiry, the attendance of witnesses, the employment of Counsel and Attornies, the recording the verdict and judgment thereon and otherwise incident to such inquiry.

XXXIII. And it is enacted, that if any such costs shall be payable by the said Commissioners, and if within seven days after demand duly made at the Office of the Clerk of the said Commissioners such costs be not paid to the party entitled to receive the same they may and shall be recoverable by distress, and on application to any Magistrate of Calcutta he shall issue his warrant accordingly, and if any such costs shall be payable by the owner of any lands, buildings, or tenements, or if any interest therein the same may be deducted and retained by the said Commissioners out of any money awarded by the jury to such owner or determined by the valuation of a Surveyor under the provision hereinafter contained, and the payment or deposit of the remainder, if any of such money shall be deemed payment and satisfaction of the whole thereof, or if such costs shall exceed the amount of the money so awarded or determined the excess may and shall be recoverable by distress, and on application to any Magistrate of Calcutta he shall issue his warrant accordingly.

XXXIV. And it is enacted, that if either party in such case of disputed compensation as aforesaid desire such question to be tried before a special jury, such question shall be so tried, provided that notice of such desire if given by the other party be given to the said Commissioners before they have issued their warrant as aforesaid to the Sheriff and for that purpose the said Commissioners shall by their warrant to the Sheriff require him to nominate a special jury of five jurors for such trial, and thereupon the Sheriff shall as soon as conveniently may be after the receipt by him of such warrant summon the said Commissioners and the said other party to appear before him by themselves or their Attornies at some convenient time and place to be appointed by him for the purpose

of

of nominating a special jury (not being less than five nor more than eight days from the service of such summons) and at the time and place so appointed the said Sheriff shall proceed to nominate and strike a special jury in the manner in which such juries shall be required by the Rules and Orders of the said Supreme Court for trials in the said Court, except as far as such Rules may be inconsistent with the number of which the juries under this Act are to consist, and the said Sheriff shall appoint a day not later than the eighth day after the striking of such jury for the parties or their agents to appear before him to reduce the number of such jury, and thereof shall give four days notice to the said Commissioners, and the said other party, and on the day so appointed the Sheriff shall proceed to reduce the said special jury to the number of eight in the manner used and accustomed in the said Supreme Court.

XL. And it is enacted, that the special jury on such inquiry as last aforesaid shall consist of five of the said eight who shall first appear on the names being called over, the said Commissioners and the said other party having respectively their lawful challenges against any of the said jurymen, and if a full jury of five do not appear and if after such challenges a full jury of five do not remain then upon the application of the said Commissioners or of the said other party, the Sheriff shall add to the list of such jury the names of any other disinterested persons qualified to act as special or common jurymen in the said Supreme Court who shall not have been previously struck off the aforesaid list, and who may be then in attendance before the said Sheriff, or can speedily be procured so as to complete such special jury, the said Commissioners and the said other party having respectively their lawful challenges against such persons, and the Sheriff shall proceed to the trial and adjudication of the matters in question by such jury, and such trial shall be attended in all respects with the like incidents and consequences, and the like penalties shall be applicable as hereinbefore provided in the case of a trial by a common jury.

XLI. And

XLI. And it is enacted, that any other inquiry than that for the trial of which such special jury may have been struck and reduced as aforesaid may be tried by such jury provided the said Commissioners and all the other parties interested therein respectively shall give their consent to such trial.

XLII. And it is enacted, that where the purchase money or compensation to be paid by the said Commissioners for any lands, buildings or tenements to be purchased or used by the said Commissioners shall be payable to any person who by reason of absence from the Presidency of Bengal is prevented from treating, or who cannot after diligent inquiry be found, or who shall not appear at the time appointed for the inquiry before the jury as hereinafter provided after due notice thereof given to him, such purchase money or such compensation to be paid for any permanent injury to such lands, buildings or tenements shall be such as shall be determined by the valuation of such able practical Surveyor as two of the Magistrates, of Calcutta aforesaid shall nominate for that purpose as hereinafter provided.

XLIII. And it is enacted, that upon application of the said Commissioners two of the Magistrates of Calcutta aforesaid, and upon such proof as shall be satisfactory to them that any such party is by reason of absence prevented from treating, or cannot after diligent inquiry be found, or that such party failed to appear on such inquiry before a jury as aforesaid after due notice given to him for that purpose, such Magistrates shall by writing under their hands nominate an able practical Surveyor, approved by the said Commissioners, to determine the amount of such purchase money or compensation as aforesaid, and such Surveyor shall determine the same accordingly, and shall annex to his valuation a declaration in writing signed by him of the correctness thereof.

XLIV. And it is enacted, that before any such Surveyor shall enter upon the duty of making such valuation as aforesaid he shall in the presence of such Magistrates or one of them, make and subscribe the declaration following at the foot of such nomination by the said Magistrates as aforesaid, that is to say—

I, A. B., do solemnly and sincerely declare, that I will faithfully, impartially and honestly, according to the best of my skill and ability execute the duty of making the valuation hereby referred to me.

A. B.

Made and subscribed
in the presence of

C. D.

And if any such Surveyor shall corruptly make such declaration, or having made such declaration, shall wilfully act contrary thereto he shall be deemed guilty of a misdemeanour.

XLV. And it is enacted, that the said nomination and declaration shall be annexed to the valuation to be made by such Surveyor and shall be preserved together therewith by the Clerk to the said Commissioners, and he shall at all reasonable times produce at his office the said valuation and other documents on demand to the owner of lands, buildings or tenements comprized in such valuation and to all other parties interested therein.

XLVI. And it is enacted, that in estimating the purchase money or compensation to be paid by the said Commissioners in any of the cases aforesaid regard shall be had by the Magistrates, Arbitrators or Surveyors, as the case may be, not only to the value of the lands, buildings or tenements to be purchased by the said Commissioners, but also to the damage if any to be sustained by the owners of the lands, buildings or tenements by reason of the severing of the said lands, build-

ings or tenements taken from other lands, buildings or tenements of such owner, or otherwise injuriously affecting such other lands, buildings or tenements by the exercise of the powers of this Act.

XLVII. And it is enacted, that where the compensation payable in respect of any lands, buildings or premises, or any interest therein, shall have been ascertained by the valuation of a Surveyor and deposited as hereafter provided by reason that the owner of or party entitled to convey such lands, buildings and tenements, or such interest therein as aforesaid, could not be found or was absent, and such owner or party shall be dissatisfied with such valuation it shall be lawful for him before he shall have applied as hereinafter provided for payment or investment of the monies so deposited under the provisions herein contained, by notice in writing to the said Commissioners to require the question of such compensation to be submitted to arbitration, and thereupon the same shall be so submitted accordingly in the same manner as in other cases of disputed compensation hereinbefore authorized or required to be submitted to arbitration.

XLVIII. And it is enacted, that the question to be submitted to the arbitrators in the case last aforesaid shall be whether the said sum so deposited as aforesaid by the said Commissioners was a sufficient sum, or whether any and what further sum ought to be paid or deposited by them.

XLIX. And it is enacted, that if the arbitrators shall award a further sum to be paid or deposited by the said Commissioners they shall pay or deposit, as the case may require, such further sum within fourteen days after the making of such award, or in default thereof the same may be recovered with cost by action or suit in the said Supreme Court.

L. And it is enacted, that if the arbitrators shall determine that the sum so paid or deposited was sufficient the costs of and incident to such arbitration to be determined by the arbitrators, shall be in the discretion of the arbitrators, but if the arbitrators shall determine that a further sum ought to be paid or deposited by the said Commissioners all the costs of and incident to the arbitration shall be borne by the said Commissioners.

LI. And it is enacted, that if any party shall be entitled to any compensation in respect of any lands, buildings or tenements, or of any interest therein which shall have been taken for or injuriously affected by the execution of the works of the said Commissioners, and for which the said Commissioners shall not have made satisfaction under the provisions of this Act, such party may have the same settled either by arbitration or by the verdict of a jury as he shall think fit; and if the said party desire to have the same settled by arbitration it shall be lawful for him to give notice in writing to the said Commissioners of such his desire, stating in such notice the nature of the interest in such lands, buildings or tenements in respect of which he claims compensation and the amount of the compensation so claimed therein, and unless the said Commissioners be willing to pay the amount of the compensation so claimed, and shall enter into a written agreement for that purpose within twenty-one days after the receipt of any such notice from any party so entitled, the same shall be settled by arbitration in the manner herein provided; or if the party so entitled as aforesaid desire to have such question of compensation settled by jury it shall be lawful for him to give notice in writing of such his desire to the said Commissioners, stating such particulars as aforesaid, and unless the said Commissioners be willing to pay the amount of compensation so claimed and enter into a written agreement for that purpose, they shall within twenty-one days after the receipt of such notice issue their warrant to the Sheriff to summon a jury for settling the same in the manner herein provided, and in default thereof they

they shall be liable to pay to the party so entitled as aforesaid the amount of the compensation so claimed, and the same may be recovered by him by action of debt or on the case in the said Supreme Court.

LII. And it is enacted, that so soon as the amount of the purchase money or compensation to be paid by the said Commissioners in respect of any lands, houses, tenements, or hereditaments, or any interest therein, shall be ascertained, fixed, awarded or settled in any of the modes sanctioned and appointed by this Act as aforesaid, if the said lands, houses, tenements, or hereditaments shall have been purchased or taken by the said Commissioners from any person or persons not entitled to sell or convey the same except under the provisions of this Act as being tenant for life or in tail, married women, guardian, committee, trustee, executor or administrator, or person having a partial or qualified interest therein, or who shall refuse to accept such purchase money or compensation, or neglect or fail to make out a title to such lands, houses, tenements, or hereditaments, or to the interest therein claimed by him to the satisfaction of the said Commissioners, or shall refuse to convey or release the same, or shall be absent from the Presidency of Bengal, or cannot after diligent enquiry be found, the said Commissioners are hereby empowered and required forthwith to invest the said purchase money or amount of compensation in some of the Securities or Promissory Notes of the East India Company, commonly called Company's Paper, at the current price of the day, and to deposit the same with the Government Agent at Fort William aforesaid in the name and with the privity of the Accountant General of the said Supreme Court to be placed by him to the account of such Accountant General to the credit of the parties interested, or who may be or become interested in such lands, houses, tenements, or hereditaments, describing both them and the said parties so far as the said Commissioners can do pursuant to the course of proceeding in the said Court under the Rules, Orders and Regulations of the said Court, regarding monies paid into the

the said Court in matters and causes depending before it on its Equity side, and such Securities shall remain so deposited and the interest thereon shall be regularly received by the said Government Agent and credited to the said account, and when and so often as the said interest so received by the said Government Agent shall amount to a sufficient sum for that purpose such interest shall be invested by the said Government Agent from time to time in other such Securities as aforesaid, and such monies, principal and interest, shall remain so invested and deposited until the same be applied under the authority of the said Court upon the petition of the party who would have been entitled to the rents and profits of the lands, houses, tenements, and hereditaments in respect of which such monies shall have been deposited to some one or more of the following purposes, that is to say—In the discharge of any debt or incumbrance affecting the lands, tenements, and hereditaments in respect of which such money shall have been paid or affecting other lands settled therewith to the same, or the like uses, trusts or purposes, or in the purchase of other lands, tenements, or hereditaments to be conveyed, limited and settled upon the like uses, trusts and purposes, and in the same manner as the lands, tenements, or hereditaments in respect of which such money shall have been paid, stood settled, or if such money shall be paid in respect of any buildings taken under the authority of this Act, or injured by the proximity of the works in removing or replacing such buildings or substituting others in their stead, or in payment to any person who shall become absolutely entitled to such money, and until such monies can or shall be so applied, the interest, dividends and annual proceeds of such Company's Paper shall and may upon the like petition and order be paid to the party or parties who would for the time being have been entitled to receive the rents and profits of the said lands, houses, tenements, and hereditaments.

LIII. And

LIII. And it is enacted, that where any purchase money or compensation paid as aforesaid under the provisions of this Act shall have been paid in respect of any lease for a life or lives, or years, or any estate in lands, tenements or hereditaments less than the whole fee simple thereof, or in respect of any reversion dependent on any such lease or estate, it shall be lawful for the said Supreme Court on the petition of any party interested in such money to order that the same shall be laid out, invested, accumulated and paid in such manner as the said Court may consider will give to the parties interested in such money the same benefit therefrom as they might lawfully have had from the lease, estate or reversion in respect of which such money shall have been paid or as near thereto as may be.

LIV. And it is enacted, that upon payment or deposit in manner hereinbefore mentioned of the purchase money or compensation agreed or awarded to be paid in respect of any lands, tenements, or hereditaments purchased or taken by the said Commissioners under the provisions of this Act, the owners of and all parties by this Act enabled to sell or convey such lands, tenements, and hereditaments shall when required so to do by the said Commissioners, duly convey such lands to the said Commissioners, or as they shall direct, and in default thereof, or if such party fail to adduce a good title to such lands, tenements, and hereditaments to the satisfaction of the said Commissioners it shall be lawful for the said Commissioners if they think fit to execute a deed of sale under their common seal, containing a description of the lands, tenements, and hereditaments in respect of which such default shall be made, and reciting the purchase or taking thereof, and the names of the parties from whom the same were purchased or taken, and the payment made in respect thereof, and declaring the fact of such default having been made, and thereupon all the estate and interest in such lands, tenements, and hereditaments of, or capable of being sold and conveyed by the party with

with whom the said Commissioner shall have made such agreement, or to whom such purchase money or compensation shall have been awarded by a jury or by arbitrators, or by a Surveyor appointed by any Magistrate or Magistrates, or as hereinbefore provided shall vest absolutely in the said Commissioners, and as against such parties and all parties on behalf of whom they are hereinbefore enabled to sell and convey the said Commissioners shall be entitled to immediate possession of such lands, tenements, and hereditaments.

LV. And it is enacted, that if the owner of any such lands, tenements, and hereditaments purchased or taken by the said Commissioners, or of any interest therein, on tender of the purchase money or compensation agreed or awarded to be paid in respect thereof, shall refuse to accept the same, or neglect or fail to make out a title to such lands, tenements, and hereditaments, or to the interest therein claimed by him to the satisfaction of the said Commissioners, or if he refuse to convey or release such lands, tenements, and hereditaments as directed and required by the said Commissioners, or if any such owner be absent from the Presidency of Bengal, or cannot after diligent inquiry be found or fail to appear on the inquiry before a jury as hereinbefore provided, it shall be lawful for the said Commissioners to place the purchase money or compensation payable in respect of such lands, tenements, and hereditaments, or any interest therein to the credit of the parties interested in such lands, tenements, and hereditaments (the said parties being described so far as the said Commissioners can describe them) subject to the controul and disposition of the said Supreme Court, and it shall be lawful for the said Commissioners if they shall think fit to execute a deed of sale under their common seal containing a description of the lands, tenements, and hereditaments in respect whereof such purchase money or compensation shall have been placed to credit, and declaring the circumstances under which and the names of the parties to whose credit

such purchase money or compensation shall have been placed, and thereupon all the estate and interest in such lands, tenements, and hereditaments of the parties for whose use and in respect whereof such purchase money or compensation shall have been placed to credit, shall vest absolutely in the said Commissioners and as against such parties they shall be entitled to immediate possession of such lands, tenements, and hereditaments.

LVI. And it is enacted, that upon the application by petition of any party making claim to the money so placed to credit as last aforesaid, or any part thereof, or to the lands, buildings, or tenements in respect whereof the same shall have been so placed to credit, or any part of such lands, buildings, or tenements, or any interest in the same the said Supreme Court on its Equity side may in a summary way as to the said Court shall seem fit, order such money to be laid out or invested in Company's Paper and deposited as aforesaid with the said Government Agent, and may order distribution thereof or payment of the interest thereof according to the respective estates, titles or interests of the parties making claim to such money, lands, buildings, or tenements, or any part thereof, and may make such other order in the premises as to the said Court shall seem just.

LVII. And it is enacted, that the said Commissioners shall not be deemed necessary or competent parties to any such proceeding in the said Supreme Court, but that due notice shall be given according to the course and practice of the said Court in matters before it by summary petition by the party or parties petitioning to all other parties interested to whom it shall be competent to appear in such summary suit to defend and maintain their respective right and interests.

LVIII. And it is enacted, that the said Commissioners may with the

the consent of the said Governor sell and dispose of any lands or tenements vested in them by virtue of this Act, or any part thereof either together or in parcels as they may find most convenient and advantageous and the money to arise and to be produced by such sale shall be applied to such of the purposes of this Act or Act No. XVI. of 1847, as the said Commissioners shall think fit, and the purchaser of such lands or tenements shall not be answerable or accountable for any misapplication or non-application of such purchase money; and for the completing and carrying any such sale into effect the said Commissioners may make and execute a conveyance of the lands and tenements sold and disposed of as aforesaid unto the purchaser thereof and such conveyance shall be under the common seal of the said Commissioners.

LIX. And it is enacted, that in every conveyance of lands to be made by the said Commissioners under this Act the word "grant" shall operate as express covenants by the said Commissioners for themselves and their successors with the respective grantees therein named, and their Successors, Heirs, Executors, Administrators or Assigns, as the case may be, according to the quality and nature of such grants, and of the estate or interest therein expressed to be thereby conveyed as follows except as far as the same shall be restrained or limited by express words contained in any such conveyance (that is to say) A covenant that notwithstanding any act or default done by the said Commissioners, they were at the time of the execution of such conveyance under and by virtue of the provisions of this Act possessed of the lands or promises granted thereby for an indefeasible estate of inheritance in fee simple free from all encumbrances done or occasioned by them or otherwise for such estate or interest as therein expressed to be thereby granted free from encumbrances done or occasioned by them.

LX. And in order to raise money for defraying the expences incurred

red or to be incurred by the said Commissioners in carrying into effect the provisions of this Act or of Act No. XVI. of 1847 it is enacted, that it shall be lawful for the said Commissioners, and they are hereby authorized subject in each case to the approval of the Governor aforesaid to be signified in writing, to borrow and take up at interest on the credit of the rates, taxes and duties authorized to be made, levied and received by the said Commissioners from any person who shall be willing to advance the same the sum and sums of money necessary for defraying the costs, charges and expences incurred or to be incurred by the said Commissioners in carrying into effect with the least possible delay the provisions of this Act or of Act No. XVI. 1847, and for securing the repayment of such sum or sums of money with such interest thereon as shall be agreed upon between the said Commissioners, and the person or persons lending or advancing the same, the said Commissioners may mortgage and assign over the said rates, taxes, tolls and duties, or any part thereof to the person or persons who shall advance such money, or to a Trustee or Trustees on his or their behalf as security for the money so to be borrowed, together with interest upon the same, and no assessment, tax, toll or duty over which any such mortgage shall have been granted shall be repealed in whole or in part until such mortgage shall be paid off unless by the consent in writing of such mortgagee.

LXI. And it is enacted, that in order to discharge the principal money of any such sum or sums of money as shall be borrowed on security of the assessments, taxes and duties aforesaid, it shall be lawful for the said Commissioners, and they are hereby authorized and required yearly and every year to deduct, appropriate and set apart, and apply out of the rates aforesaid such a sum of money as shall be in proportion to one-thirtieth part of the money borrowed or secured, and which at that time shall remain due and secured as aforesaid upon the said assessments, taxes and duties as and for a Sinking Fund to be applied in paying off and discharging

discharging the principal monies so borrowed or secured, and from time to time cause the amount of such Sinking Fund to be invested in the Securities of the East India Company called Company's Paper and such Company's Paper to be deposited from time to time in the hands of the Government Agent, who is hereby empowered and required to increase the same by investing the interest payable thereon as the same shall become due and payable in the purchase of other Company's Paper, and so on from time to time so that the said Sinking Fund shall accumulate at compound interest until the same shall be of sufficient amount to pay off the said principal debts, or one of them or some part of some one of them at which time the same shall be so applied in paying off the same in manner hereinafter mentioned.

LXII. And it is enacted, that every mortgage of assessments, taxes and duties authorized to be made under the provisions of this Act shall be by deed in which the consideration shall be truly stated, and every such deed shall be under the common seal of the said Commissioners, and signed by three of them at the least at one of their annual, quarterly or special meetings and may be according to the form in the Schedule [A] to this Act annexed, or to the like effect, and the respective mortgagees shall be entitled one with another to their respective proportions of the assessments, taxes, tolls and duties comprised in such mortgages according to the respective sums which in such mortgages are mentioned to be advanced by such mortgagees respectively, and to be repaid the sums so advanced with interest without any preference one above another by reason of priority of advance, or of the date of any such mortgage respectively.

LXIII. And it is enacted, that the expenses of every mortgage shall from time to time be defrayed by the said Commissioners out of the money raised by the same.

LXIV. And

LXIV. And it is enacted, that a Register of all the said mortgages shall be kept by the Clerk of the said Commissioners, and within fourteen days after the date of any mortgage an entry or memorial specifying the number and date of such mortgage, and the sum secured thereby and the names of the parties thereto with their proper additions shall be made in the said Register, and the said Register may be perused at all reasonable times by any mortgagee or by any person interested in any such mortgage without fee or reward.

LXV. And it is enacted, that from time to time any party entitled to any such mortgage may transfer his right and interest therein to any other person, and every such transfer shall be by deed wherein the consideration shall be truly stated, and every such transfer may be according to the form in the Schedule B to this Act annexed or to the like effect.

LXVI. And it is enacted, that within thirty days after the date of every such transfer if executed within the territories subject to the Government of the East India Company, or otherwise, within thirty days after the arrival thereof within the said territories, it shall be produced to the said Clerk, and thereupon the said Clerk shall make an entry or memorial thereof in the Register aforesaid in the same manner as in the case of an original mortgage, and for such entry the said Clerk may demand and receive a fee not exceeding Two Rupees, and after such entry every such transfer shall entitle the transferee, his Executors, Administrators and Assigns to the full benefit of the original mortgage, and the principal and interest secured thereby, and such transferee may in like manner assign or transfer the same again and toties quoties, and it shall not be in the power of any person except the person to whom the said mortgage shall have been last transferred, his Executors, or Administrators or Assigns to make void, release or discharge the original mortgage, or the monies due thereon or secured thereby.

LXVII. And

LXVII. And it is enacted, that from and after the payment or satisfaction of all the principal and interest of monies secured by any mortgage made under the powers of this Act all the estate, property, right and interest by such mortgage vested in the mortgagee, his Heirs, Executors, Administrators or Assigns shall without any transfer or release or any other act or deed whatsoever immediately cease and determine.

LXVIII. And in order that no undue preference may be given in paying off any mortgages it is enacted, that whenever the said Commissioners shall be enabled to pay off one or more out of the number of the said mortgages, or a part of the money secured on any such mortgage, they shall decide the order in which such mortgages shall be paid off by lot or ballot, and shall cause a notice signed by their Clerk to be given to the person entitled to the money to be paid off pursuant to such lot or ballot, and such notice shall express the principal sum proposed to be paid off, and that the same will be paid together with the interest due thereon, at the office of the Clerk of the said Commissioners on a day and at an hour to be specified at the expiration of six months from the date of giving such notice.

LXIX. And it is enacted, that the said Commissioners may if they think proper fix a period for the repayment of the whole of the principal money borrowed on any one mortgage under the provisions of this Act with the interest thereon, and in such case the said Commissioners shall cause such period to be inserted in the mortgage deed, and upon the expiration of such period the said principal sum, together with the arrears of interest thereon, shall on demand be paid to the party entitled to receive such principal sum and interest, and if no other place of payment be inserted in such mortgage deed such principal and interest shall be payable at the office of the Clerk of the said Commissioners.

LXX. And it is enacted, that if no time be fixed in the mortgage deed for the repayment of the money so borrowed the party entitled to receive such money may at the expiration, or at any time after the expiration of twelve months from the date of such mortgage, demand payment of the principal sum thereby secured, with all arrears of interest upon giving six months previous notice for that purpose, and in the like case the said Commissioners may at any time pay off the money borrowed on giving the like notice, and every such notice shall be in writing or print; or partly in writing and partly in print, and if given by a mortgagee or creditor shall be delivered to the Clerk aforesaid or left at his office and if given by the said Commissioners shall be given either personally to such mortgagee or creditor, or left at his residence, or if his present residence be not known then at his last known place of abode, or if such mortgagee or creditor be unknown to the said Commissioners, or cannot be found after diligent inquiry and his last place of abode be unknown such notice shall be given by advertisement in the Calcutta Government Gazette, and once in each of three successive weeks in two of the Calcutta Newspapers.

LXXI. And it is enacted, that if the said Commissioners shall have given notice in terms of this Act of their intention to pay off any such mortgage then at the expiration of such notice all further interest shall cease to be payable on such mortgage unless demand of payment be made pursuant to such notice, and unless on such demand being duly made the said Commissioners shall fail to pay the principal and interest then due on such mortgage.

LXXII. And it is enacted, that it shall be lawful for any mortgagee or other person entitled to receive payment of the money secured by any such mortgage to enforce the payment of the principal money and interest due thereon by applying for the appointment of a Receiver in the manner hereinafter provided, but in order to authorize the appointment

of

of such Receiver the amount of money owing to the mortgagee or mortgagees, or creditor or creditors by whom the application is made shall not be less than Ten Thousand Rupees.

LXXIII. And it is enacted, that if within six months after the principal money or any interest owing upon any such mortgage has become payable and after demand thereof in writing the same be not paid the mortgagee or other creditor as aforesaid (without prejudice to his right to sue for such principal money, together with all arrears of interest in any competent Court or Courts of Law or Equity) may if his debt amount to the sum of Ten Thousand Rupees alone, or, if his debt does not amount to that sum, in conjunction with other mortgagees whose debts being so in arrears after demand as aforesaid shall, together with his amount to the said sum, require the appointment of a Receiver by an application to be made as hereinafter provided.

LXXIV. And it is enacted, that every application for a Receiver shall be made to one or more Justices of Her Majesty's Supreme Court of Judicature at Fort William in Bengal, and on any such application it shall be lawful for such Justice or Justices by order in writing after hearing the parties to appoint a fit and proper person to receive the whole or a competent part of the rates and assessments, and to apply the same to the payment of such interest or principal and interest as the case may be, together with all costs, including the charges of receiving the rates and assessments until the said principal and interest, together with all such costs and charges be fully paid, and upon such appointment being made all such rates and assessments as aforesaid shall be paid to and received by the person so appointed who is hereby empowered to give good and sufficient discharges for the same, and the money so to be received shall be so much money received by or to the use of the party to whom such interest or such principal and interest, as the case may be,

be, shall be then due, and on whose behalf such Receiver shall have been appointed, and after such interest and costs, or such principal, interest and costs have been so received, the power of such Receiver shall cease.

SCHEDULE A.

Form of Mortgage Deed.

Mortgage No. Rupees By virtue of the Acts of the Legislative Council No. XVI. and No. XXII. of 1847. We the Commissioners appointed and acting under and by authority of the said Acts, in consideration of the sum of Co.'s Rupees paid to us by A. B. of do hereby assign unto the said A. B., his Executors, Administrators and Assigns, all the rates and sums of money arising in the Town of Calcutta by virtue of the said Acts, and all the estate, right, title and interest of the said Commissioners in the same. To hold unto the said A. B., his Executors, Administrators and Assigns until the sum of together with interest for the same at the rate of for every hundred Rupees by the year be satisfied (the principal sum to be repaid at the of years from the date hereof)—(*in case any certain* period be agreed upon for that purpose.)

Given under our common seal this day of in the year of our Lord and signed by us at our meeting on the said day.

A. B. *Commissioner.*
C. D. „
E. F. „

SCHEDULE B.

SCHEDULE B.

Form of Transfer of Mortgage.

I, A. B., of in consideration of the sum of paid to me by G. H. of do hereby transfer to the said G. H., his Executors, Administrators and Assigns a certain Mortgage Number made by the Commissioners appointed and acting under and by authority of Acts No. XVI. and No. XXII. of 1847, of the Legislative Council of India, bearing date the day of for securing the sum of Company's Rupees and interest (*or if such transfer be by indorsement* the within security) and all my right, estate and interest in and to the money thereby secured, and in and to the rates and property thereby assigned.

In witness whereof I have hereunto set my hand and seal this day of in the year of our Lord

A. B. (L. S.)

Calcutta, 1848.—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XXIII. OF 1847.

Passed by the Right Hon'ble the Governor General of India in Council on the 31st of December, 1847.

An Act for the amendment of Act No. XXXI. of 1838.

WHEREAS by Act No. XXXI. of 1838, Section XVII. it is enacted, that whosoever shall rob any person, or shall steal any property from the person of another, shall be liable, at the discretion of the Court, to be transported to such place as the Court shall direct for any term not exceeding fifteen years, *nor less than ten years*, or to be imprisoned for any term not exceeding three years:

It is hereby enacted, that so much of the above cited Section of the said Act as enacts that the term of transportation thereby limited *shall not be for less than ten years*, be repealed.

Calcutta, 1848.—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

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	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1848.			
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	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1848.			
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	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1848.			
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„ Commissioners may sink wells and place pipes, &c. for water-				

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	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1848.			
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„ Bye-Laws how to be given publicity to, ...	„	XXVIII.		
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„ Commissioners may sue and be sued, ...	„	XXXI.		
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	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1848.			
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Improvement of Calcutta. — „ Commissioners may enter upon lands without consent of Owners for constructing water-works and prepare plans with books of reference. The same where to be deposited—and notice of such intended works how to be given, ...	„	XXXIV.		
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	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1848.			
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	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1848.			
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	Act.	*Section.*	*Article.*	*Territorial Scope of the Acts.*
	1848.			
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	Act.	Section.	Article.	Territorial Scope of the Acts.
	1848.			
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[Institution,

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1848.			
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„ Provision made for preventing Coroner's Inquisitions from being quashed on account of technical defects, ...	„	III.		
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	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1848.			
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Lands—Limitation of the period for filing suits to contest the awards of Revenue Authorities under Regulations VII. of 1822, IX. of 1825 and IX. of 1833, ...	XIII.			
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M.				
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	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1848.			
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Mochulkas to be taken by Magistrates from persons for keeping the peace. (See Penal Recognizances.)				
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Municipal Law—(See Improvement.)				
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	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1848.			
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Nuwab of Surat—Persons and properties of the Widows and family of the late—named in the Schedule annexed, exempted from being seized by writ or process, ...	XVIII.	I.	.....	Bombay.
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,, Limitation of suits instituted in Civil Courts in respect of persons within the provisions of Clause 2, Sec. XXI. Reg. II. of 1827, Bombay Code, .	,,	III.		
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	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1848.			
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,, Secs. V., VI. and VII. of Reg. VIII. of 1818, Bengal Code, made applicable to persons confined, and to sureties who have given Securities under this Act, ...	,,	VII.		
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	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1848.			
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	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1848.			
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[Regulations

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1848.			
Regulations of the Bombay Code, modified, viz., Sec. XXI. Reg. II. of 1827; Sec. VI. Reg. XVI. of 1827, Secs. IX. XVI. XXXVI. and XLIX. of Reg. XVII. of 1827, (See Mandvee.)	X.	II.		
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	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1848.			
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„ Persons guilty of the offence of belonging to such gangs or of receiving property stolen by them, may be committed by any Magistrate and tried by any Court, ...	„	II.		
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S.				
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	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1848.			
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Sentences passed by Subordinate Criminal Courts in the Bengal and Madras Presidencies how to be dealt with by the Superior Courts when they appear unlawful. (See Nizamut Adawlut.)				
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,, (See Coroner's Jury.)				
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	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1848.			
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	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1848.			
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	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1848.			
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	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1848.			
T.				
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Thieves—Gangs of—(See Robbers.)				
"Thug"—"Thuggee"—"Murder by Thuggee"—meaning of—as used in Acts, ...	III.		.....	General.
W.				
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J. C. SHERRIFF, BENGAL MILITARY ORPHAN PRESS.

ACT No. I. OF 1848.

Passed by the Right Hon'ble the Governor General of India in Council on the 22d January, 1848.

An Act for to regulate the proceedings in certain Cases of Forgery.

IT is hereby enacted, that within the Territories subject to the Presidency of Fort William in Bengal, except the local limits of the Courts established by Her Majesty's Charter, the Magistrates of the several Zillahs and Cities shall not receive any charges of Forgery, or of procuring or causing Forgery, or of fraudulently issuing and publishing as true or otherwise fraudulently giving effect to, or attempting to give effect to false and fabricated Deeds and Papers, knowing the same to be false and fabricated, which may be preferred by parties to Civil or Criminal cases in respect to Deeds and Papers offered in evidence in such cases against the adverse parties to such cases, or other persons, except as provided in the next following Section.

II. And it is hereby enacted, that in cases pending before any Civil or Criminal Court (except the Court of the Magistrate, or of any Officer exercising the committing powers of a Magistrate) in which there may appear to the Court sufficient grounds for sending for investigation to the Magistrate a charge of any of the offences specified in Section I. of this Act,

Act, the Court shall send the party or parties accused in custody to the Magistrate, together with the evidence and documents relevant to the charge, and shall take a recognizance from each of the witnesses, who have given such evidence to appear before the Magistrate, who shall thereupon receive such charge and proceed with it in the usual course.

Provided always, that nothing herein contained shall be construed to affect the powers vested in Sessions Judges in cases of Forgery, by Section 6, Regulation II. of 1807, of the Bengal Code.

III. And it is hereby enacted, that the powers vested by Clause 2, Section 14, Regulation XVII. of 1817, of the said Code, in Zillah and City Judges, of committing persons chargeable with Perjury or Subornation of Perjury in cases pending before such Judges, are hereby vested in Principal Sudder Ameens in Civil cases pending before them, and the Principal Sudder Ameens and the Magistrates are hereby authorized and required to proceed in the manner in which the said Judges and Magistrates are authorized and required to proceed by the said Clause.

IV. And it is hereby enacted, that it shall be competent to the Sessions Judges to try persons committed by themselves as Civil Judges under the provisions of the said Clause for Perjury or Subornation of Perjury any Law to the contrary notwithstanding.

V. And it is hereby enacted, that for the purposes of this Act, the expression Civil Courts shall be held to include all Revenue Officers acting judicially.

Calcutta, 1848.—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. II. OF 1848.

Passed by the Right Hon'ble the Governor General of India in Council on the 26th of February, 1848.

An Act to confer certain powers and privileges on the Commissioners for the Improvement of the Town of Calcutta, and to provide for the execution of certain public works by them.

WHEREAS by Act No. XVI. of 1847, it was amongst other things enacted, that the whole proceeds of the rates and taxes therein aforesaid, after paying all establishments and incidental expenses should, together with such monies as the Government of Bengal, with the sanction of the Governor General in Council, might direct to be paid over to the Commissioners for the Improvement of the Town of Calcutta therein aforesaid, be applied by them to the following purposes, viz.

Formation of Tanks and Aqueducts for the conveyance of water to all parts of the Town.

Opening of Streets and Squares in crowded parts of the Town.

Filling

Filling up Stagnant Pools of Water and removing obstructions to the free circulation of air.

Lighting and Watering the Roads and Streets.

Cleansing and repairing the same and the drains of the said Town.

And improving and embellishing the said Town generally.

And whereas for the effectual accomplishment of the purposes aforesaid it is expedient that the said Commissioners should be empowered to appoint a Clerk and a Surveyor and other necessary Officers, and that the said Commissioners and their said Clerk, and their said Surveyor and other Officers should exercise powers interfering with the rights and property of individuals:

I. It is therefore hereby enacted, that the said Commissioners shall, subject to confirmation or disallowance by the Governor of Bengal, nominate and appoint fit and proper persons to be their Surveyor and Clerk and other necessary Officers, who shall receive such salaries as to the Governor of Bengal shall seem meet.

II. And it is hereby enacted, that for the purpose of constructing one or more Aqueducts for bringing pure and wholesome water to the Town of Calcutta from any place without the local limits of the jurisdiction of Her Majesty's Supreme Court of Judicature, it shall be lawful, whenever a plan for an Aqueduct shall have been approved by the Governor of Bengal, for every Commissioner, and for the Surveyor and Clerk to the Commissioners with such Assistants as they may require, to exercise in the construction of such Aqueduct, throughout the line of country through which such Aqueduct is to run, all the powers which

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by this Act it is lawful for them to exercise within the said Local limits, and which may be necessary for the construction of such Aqueduct without being subject to any action or molestation whatever for so doing. And it shall also be lawful for any Magistrate of any district through which the said Aqueduct is to run, in furtherance of the construction of such Aqueduct, to do such acts, and he is hereby required to do such acts as it is by this Act lawful for a Magistrate of the Town of Calcutta to do, and as he is by this Act required to do in furtherance of any work to be executed by the said Commissioners within the said local limits.

III. And it is hereby enacted, that it shall be lawful for the said Commissioners instead of executing any of the works which by this Act they are authorized to execute, by themselves, their Servants and Assistants, to execute the same by contract with any individual or Company who may be willing to undertake the same, and in that case it shall be lawful for such individual or such Company to exercise and enjoy all the powers and privileges which by this Act it is lawful for the said Commissioners to exercise and enjoy in the execution of any such work.

IV. And it is enacted, that if in carrying into execution any of the powers or authorities of this Act any house, building or other hereditament shall be damaged or otherwise prejudicially affected, the said Commissioners shall make good such damage and pay to the Owner and Occupier of such house, building or other hereditament such amount of compensation for such injury as shall be agreed upon between such Owner and Occupier, and the said Commissioners, and if such Owner or Occupier, and the said Commissioners cannot agree as to the amount of such compensation and the proportions thereof to be paid to such Owner and Occupier respectively then the amount of such compensation, and also the proportions which the persons claiming the same are entitled to shall be settled and recovered by arbitration or the verdict of a

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Jury to be summoned and returned in the manner provided in Act No. XXII. of 1847, entitled an Act to enable the Commissioners who may be appointed under Act No. XVI. of 1847, to purchase real or personal property for the Improvement of the Town of Calcutta.

V. And it is enacted, that if any person at any time shall obstruct or molest the said Commissioners or any Clerk, or Surveyor or other Officer, or any workman, or other person employed by them, or any person or Company with whom they may have contracted under the provisions of this Act, or any person employed by them in the performance and execution of their or his duty, or any thing which they are respectively required or authorized to do by virtue, or in consequence of this Act, every such person so offending shall for every such offence on conviction before a Magistrate, forfeit and pay any sum not exceeding Fifty Rupees.

VI. And it is enacted, that every Commissioner and the Surveyor, and Clerk to the Commissioners, with such Assistants as they may require, shall for the purposes of this Act, have full power and authority at all seasonable hours in the day time to enter, or to direct his subordinate Officers to enter into and upon any land or tenement, and in and upon the land on which any house, building or other erection is built or building, or intended to be built, and into and upon any buildings or any part thereof without being liable to any action at Law or Suit in Equity, or any other legal proceedings or molestation whatsoever for or on account of such entry, or of any thing done or to be done in any part thereof in pursuance of this Act. Provided that none of the persons abovementioned shall enter upon any lands or tenements which may be occupied at the time unless with the consent of the Occupier thereof, without previously giving the said Occupier reasonable notice of his or their intention to do so.

VII. And

VII. And it is enacted, that the management and control over all and every of the streets, public ways and public thoroughfares of every kind and description within the said Town of Calcutta existing at the time of the passing of this Act, and of all parts of the said Town which shall hereafter become streets, public ways or public thoroughfares of any kind or description, and the pavements and other materials therein, and all erections and buildings, materials, implements or other things provided for the said streets, public ways and public thoroughfares by or under the authority of the Government of Bengal, or by the Magistrates of Calcutta, or by the said Commissioners, shall be the property of, and are hereby vested in the said Commissioners as Trustees.

VIII. And it is enacted, that it shall be lawful for the said Commissioners with the consent and approbation of the Government of Bengal to pave and water such of the streets, public ways and public thoroughfares existing in the said Town at the time of the passing of this Act, or at any future time as they shall think fit.

IX. And it is enacted, that the said Commissioners shall keep in sufficient repair every street, public way and public thoroughfare existing in the said Town at the time of passing this Act, or at any future time, and shall be liable to be indicted for not sufficiently repairing the same.

X. And it is enacted, that if any person shall displace, take up or make any alteration in the pavements, flags or other materials of any foot or carriage way in any street within the said Town without the consent in writing of the said Commissioners, or of their said Surveyor, or shall cause any obstruction to, or make any encroachment upon any street in the said Town, any such person so offending shall for every such offence on conviction before a Magistrate forfeit and pay a sum not exceeding Fifty Rupees.

XI. And whereas it is essential to the health and convenience of the inhabitants that straight and spacious streets and thoroughfares should be continued where they have been begun, and should be opened at convenient and suitable distances where such do not at present exist so as to perforate the mass of buildings within the said Town in straight lines as nearly as may be from South to North, and from East to West, crossing each other at right angles, and from South East to North West and from South West to North East, crossing the straight lines abovementioned diagonally with large open spaces forming squares or circles at convenient and suitable distances from whence the said streets may conveniently diverge in lines without interruption to the river and to the open country without the said Town so far as the completion of such plan may be practicable and where not entirely practicable upon a plan as nearly approaching to such plan as may be: And whereas it is also expedient and necessary that the narrow lanes and gullys which compose the greater part of the said Town inhabited by the Native inhabitants should be converted into such straight and spacious streets and thoroughfares formed as abovementioned due regard being had to the compensation of Owners of houses, buildings and grounds, which may be required to be vested in the said Commissioners for any such purposes as aforesaid:

It is enacted, that as soon as may be after the passing of this Act, the said Commissioners shall cause plans to be made by their said local Surveyor and by other competent Surveyors, shewing the direction and breadth of such streets and thoroughfares, and the situations and dimensions of such open spaces to form squares or circles as aforesaid, which in their opinion shall be the most suitable for carrying into effect the abovementioned objects, keeping in view the salubrity of the said Town, the convenience of communication within the same, and the economy with which the said improvements may be carried into execution, together

gether with estimates of the expense of the necessary works and estimates of the probable value of the houses, buildings and grounds, which it will be necessary for the said Commissioners to purchase for these purposes, and the said Commissioners shall select from the plans which shall be so furnished to them the one which they, or a majority of them, shall consider the best and most eligible, and shall transmit to the Secretary to the Government of Bengal, the said plan and the resolution of the Commissioners thereupon for the consideration of the said Governor of Bengal, and upon the said Governor signifying through the said Secretary by writing, signed by the said Secretary, his approval of such plan, the said Commissioners shall proceed with all convenient speed to carry the same into execution so far as the funds at their disposal, and the circumstances under which the works are to be carried into execution will allow, in conjunction with the other improvements contemplated by this Act, and in case the said Governor shall signify his disapproval of the plan so submitted to him, the said Commissioners shall cause another plan to be drawn by the same or any other competent Surveyor, which plan shall in like manner be submitted by the said Commissioners to the said Governor, and so from time to time until such plan shall be finally approved of by the said Governor, and as soon as may be after such final approval of the said Governor shall be intimated to the said Commissioners as aforesaid, the said Commissioners shall proceed to carry the said plan so approved into execution with all such convenient speed as aforesaid.

XII. And it is enacted, that the said plan having been so submitted to and having been approved by the said Governor as aforesaid, the said Commissioners shall proceed in conformity, with the provisions of Act No. XXII. of 1847, with the purchase of such houses, buildings and grounds as it may be necessary to purchase for the execution of such plan, and shall upon such purchase being completed give orders to their said

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local Surveyor to proceed with the said works without further reference to the said Governor.

XIII. And whereas it is essentially necessary to the salubrity of the said Town to make provision for the effectual sewerage and drainage of the same:

It is enacted, that as soon as conveniently may be after the passing of this Act the said Commissioners shall cause their said Surveyor to make a careful survey of the whole of the said Town, and in an accurate and distinct report to be framed by him to state what in his opinion are the defects of such sewerage, works and drains as shall at that time exist therein, and what alterations of the same, and what new main and other sewers and drains are necessary and proper for the effectual draining and clearing of the whole of the said Town, and what reservoirs, engines, sluices, penstocks and other works are required for properly flushing and cleansing out such sewers and drains, and at and from what places such drains and sewers respectively ought to commence, in what precise direction they are to be conducted, and at what places respectively they ought to terminate.

XIV. And whereas it is of the most essential importance that all the inhabitants of the said Town should be supplied with good and wholesome water for drinking and for domestic purposes to the utmost extent that the local and other circumstances of the said Town will permit, and especially that the poorer inhabitants thereof should be so supplied with water; and whereas supplies of water are also required for the efficient and wholesome cleansing and watering of the streets, and cleansing the main and other sewers and drains which may be constructed or maintained under the provisions of this Act:

It is enacted, that the said Commissioners shall at the same time cause their said Surveyor to report upon the existing supplies of water in the said Town, the sufficiency or insufficiency of such supply for all the several purposes aforesaid, and the healthful or palatable quality as water for drinking of every description of water so supplied, or which the said Surveyor shall recommend in future to be supplied, and with a view to test the accuracy of his report upon this latter subject the said Commissioners shall cause such water or waters to be analysed and reported on by competent Chemists and Medical men, and the said Surveyor shall also state in his report from what point on the River Hooghly, North of Calcutta, water in sufficient quantity can be conveyed into the Town for the domestic purposes of the said inhabitants, and for the efficient and wholesome cleansing and watering of the said streets, and cleansing the main and other sewers and drains which shall or may be constructed and maintained under the provisions of this Act, and shall state whether in his opinion one supply of water from one place can be commanded adequate to all these several purposes, and from what distance and at what probable expense, and what reservoirs, engines, sluices, canals, aqueducts, pipes and other works, and of what respective dimensions are required for the adequate and abundant supply of such water for all such purposes as aforesaid.

XV. And for carrying into effect the purposes aforesaid it is enacted, that all sewers and drains, together with all buildings and other works, materials and things therewith connected, and all canals, aqueducts, tanks and wells provided for or lawfully applied to public use, and which are not the property of any private person or persons, together with all buildings, engines, works, materials and things therewith connected existing in the said Town at the time of the passing of this Act, or which hereafter shall at any time be constructed and made therein whether constructed at the cost of the said Commissioners or otherwise,

and the entire management and control over the same, subject to the provisions hereinafter contained, shall be the property of, and are hereby vested in the said Commissioners as such Trustees as aforesaid.

XVI. And it is enacted, that the said Commissioners shall cause to be constructed and made such and so many sewers and drains, and such and so many reservoirs, canals, aqueducts, engines and other works, and to be laid such and so many water pipes as shall in the opinion of the said Commissioners be necessary and proper for the effectual draining and cleansing of the whole of the Town aforesaid, and for the properly flushing and cleansing out such sewers in and under or across all or any of the streets and ways whether dedicated to the public use or not, roads and other places within the said Town, and if needful through and across all under ground cellars and vaults which they may find under any of the said streets, ways, roads or places, doing as little damage as may be, and also to cause such and so many rings and openings to be made or left in the sides of the said sewers as will be sufficient for the making or branching any drain or drains from any or all of the houses built, and which may probably be built adjoining or near thereto into any of the said sewers as the said Commissioners shall think fit necessary and expedient for that purpose; and in case it shall be found necessary for completing any of the aforesaid works to build, carry or continue the same in, into or through any enclosed lands or other place not being a public way, it shall be lawful for the said Commissioners to build, carry or continue the same in, into or through the said lands or other places accordingly, and the said Commissioners may and shall cause such sewers to communicate with and empty themselves into any public river, stream, canal or water-course, or to cause the refuse from such sewers to be conveyed by an appropriate channel to the most convenient site for its deposit, collection and sale, and its application as manure for agricultural purposes or otherwise as they shall deem most expedient, but so that the same

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shall in no case become a public nuisance or annoyance to the neighbourhood, and all such sewers, water-courses, canals, reservoirs and other works and premises shall be the property of and are hereby vested in the said Commissioners, and shall be at all times under the care, control and management of the said Commissioners and of their Surveyor and Officers.

XVII. And it is enacted, that the said Commissioners shall have authority from time to time as they shall see fit, and they are hereby required to widen, deepen, embank, alter, arch over, amend, clean and scour out all or any of the sewers within the said Town as may be necessary, and also to cleanse and drain off into any sewers or otherwise abate all stagnant pools, ditches, tanks and other receptacles of foul water and filth existing within the said Town, whether the same be the private property of any person or persons or otherwise, and further in cases in which any of the existing or future sewers vested in the said Commissioners shall from any cause whatever appear to the said Commissioners to have become useless or unnecessary, it shall be lawful for the said Commissioners if they shall think fit so to do to take up, stop, fill in and discontinue such old sewers in such manner that the same shall not be or become a nuisance or annoyance to the neighbourhood.

XVIII. And it is enacted, that before beginning to dig or lay the foundations of any new house within the said Town, or to re-build any house therein, and also before making any drain for the purpose of draining water directly or indirectly from any land or tenement into any sewer under the jurisdiction of the said Commissioners, fourteen clear days' notice in writing shall be given to the Clerk to the said Commissioners by delivering the same to him, or leaving it at his office by the person intending to build or re-build such house, or to make such drain, and every such foundation shall be laid at such level as the said Surveyor of

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the said Commissioners shall direct, and every such branch drain shall be made in such direction, manner and form, and of such materials and workmanship as the said Surveyor shall order, and the making of every such drain shall be under the survey and control of the said Commissioners; and in default of such notice, or if such building or drain shall be begun or made without or in any respect contrary to any order of the said Surveyor, or of the provisions of this Act, it shall be lawful for the said Commissioners to cause such building to be demolished, and to cause such drain to be relaid, amended or remade as the case may require, and to cause the expenses thereof to be levied and repaid to them from and by the Owner thereof in the manner hereinafter provided.

XIX. And it is enacted, that it shall be lawful for any person at his own expense to make or branch any drain into any of the sewers vested in the said Commissioners, or authorized to be made by virtue of this Act, or otherwise acquired by the said Commissioners, such drain being made of such a size and in such a manner of communication in all respects as the said Surveyor of the said Commissioners shall direct or appoint, and for that purpose to take up and remove so much of the pavement and other materials of any street, as may be required unless the said Commissioners shall consent and agree which they are hereby authorized to do to form so much and such portion of such drain as shall lead from the point of communication in such sewer to the extremity of such street, and in case any person shall make or branch any drain into any of the said sewers so vested in the said Commissioners, or authorized to be made under and by virtue of this Act of a larger size, or in a different manner and form of communication than shall be directed or appointed by the said Surveyor, every person so offending shall for every such offence forfeit and pay on conviction before a Magistrate a sum not exceeding Fifty Rupees.

XX. And

XX. And whereas it would tend to insure a greater efficiency and economy in the execution of works if the same were executed by persons under the immediate direction and control of the Surveyor of the said Commissioners, it is enacted that it shall be lawful for the said Commissioners to contract and agree with the Owners of any houses or other tenements within the said Town, that any drains required to be made by such Owners shall be constructed and made by the Surveyor of the said Commissioners, and the cost price of making such drains (as certified by the said Surveyor of the said Commissioners) shall be repaid by such Owners to the said Commissioners, and in default of such payment the same may be recovered in the manner hereinafter provided.

XXI. And whereas the noxious effluvia exhaling from gully holes of sewers and drains has been found to be injurious to health, and it is therefore expedient that some provision should be made in respect thereof to obviate the same, it is enacted, that the said Commissioners and the Owners of any private drains in the Town aforesaid, shall by providing proper traps or other coverings, or by ventilation, or by such other ways and means as shall be practicable for that purpose effectually prevent the effluvia of sewers and drains from exhaling from gully holes, gratings or any other openings whatsoever of drains or sewers in streets or other places, and in case the Owner of any private sewer or drain shall neglect or delay so to do, the Surveyor of the said Commissioners shall give him notice effectually to prevent the effluvia of such sewer or drain from so exhaling, and if the same shall not be effectually done by such Owner within ten days after such notice shall have been given him, the said Surveyor shall forthwith provide and apply proper traps or other coverings, or such other means as aforesaid so as effectually to prevent such effluvia from exhaling and the expense incurred thereby shall be paid by the Owner of such sewer or drain to be recovered in manner hereinafter mentioned.

XXII. And

XXII. And it is hereby enacted, that it shall be lawful for the said Commissioners and their said Surveyor, and they and he are hereby required when any of the streets, public ways or public thoroughfares, vested in them shall be under repair, or where any sewers or drains are making, or shall be under repair to take proper precautions against danger by shoreing up and protecting the adjoining houses, and to fix and place, or cause to be fixed and placed such, and so many bars, chains or posts across, or in any of the said streets, public ways or public thoroughfares to prevent the passing and repassing of carriages, carts or other vehicles, cattle or horses during the time of such works and repairs being carried on, as shall be necessary and proper, and the said Commissioners and their said Surveyor shall cause any sewer or drain or other works during the construction or repair thereof by them to be well and sufficiently lighted and attended by fit and proper persons during the night to prevent accidents, and if any person shall take down, alter or remove any of the said bars, chains or posts, or extinguish any light attached to or connected with the said bars, chains or posts without the authority or consent of the Surveyor of the said Commissioners, every such person so offending shall for every such offence forfeit and pay on conviction before a Magistrate any sum not exceeding Fifty Rupees.

XXIII. And it is enacted, that the said Commissioners shall with a due regard to the convenience and the preservation of the health of the inhabitants of the said Town give strict orders to their said Surveyor to cause, and their said Surveyor shall duly cause all the streets, ways, thoroughfares and alleys thereof whether dedicated to the use of the public or not, together with the foot pavements or footpaths from time to time to be properly swept and cleansed, and all dust, dirt and filth of every sort which may be found thereon to be collected and removed therefrom, and all the soil, ashes, rubbish and filth to be taken and carried away from the houses and premises of the inhabitants of the said Town at convenient

convenient hours and times, and shall cause all or any of the privies and cesspools within the said Town to be cleansed and emptied in a sufficient and proper manner as shall be required, and that the said Surveyor shall from time to time give public notice on what days, at what times in every week the said streets, public ways and public thoroughfares shall be swept and cleansed, and such dirt, dust and night soil, rubbish, filth and ashes carried away, and how and in what manner the same shall be carried away and where the same shall be deposited, and shall give such orders and directions as to the said Surveyor acting under the orders and control of the said Commissioners shall appear proper and necessary, and it shall be lawful for the said Commissioners to purchase or hire any carts, carriages and other machines, and also any horses or cattle for the better executing and performing any of the above duties.

XXIV. And it is enacted, that the dirt, dust, night soil and filth to be so collected from the said streets, thoroughfares, alleys, footways, privies, sewers and cesspools, and all the dust, ashes and rubbish to be collected, taken and carried away from all and every of the houses and elsewhere within the said Town shall be the property of the said Commissioners, and are hereby vested in them; and the said Commissioners shall have full power to sell and dispose of the same through their said Clerk or Surveyor for the purpose of this Act as they shall think proper, and the money arising from the sale thereof shall be applied for the purpose of this Act, and the person purchasing the same shall have full power and authority to take, carry away and dispose of the same for his own proper use and benefit.

XXV. And it is enacted, that it shall be lawful for the said Commissioners for the purpose of watering the said streets, public ways and public thoroughfares in the said Town to sink wells, and lay, erect and place pipes, conduits and pumps in any of the said streets, public ways or public thoroughfares, and to provide any other apparatus proper for that

that purpose, and to remove and alter the same when and as the said Commissioners shall think proper, and it shall be lawful for the said Commissioners, and they are hereby required to excavate and provide a sufficient number of spacious and convenient tanks or sufficient runs of water through the said Town for the inhabitants to bathe in at suitable and proper times and in suitable and proper places as may best serve to unite the health and comfort of the labouring population with public decency, making due allowance for the habits and customs of the country.

XXVI. And it is enacted, that it shall be lawful for the said Commissioners, and they are hereby required from time to time to make such Bye-laws as they shall think fit for all or any of the purposes following, that is to say,

For preventing nuisances in any streets or near thereto and effecting cleanliness therein.

For making regulations for the registering and inspection of slaughter houses and markets, and for keeping the same in a cleanly and proper state, and for removing filth therefrom at least once in every twenty-four hours, and for requiring that they shall be provided with a sufficient supply of water.

For the punishment of persons selling unwholesome meat, fish, vegetables, sweetmeats and grain, for the food of man, and for seizing and condemning the same.

For regulating the duties of scavengers, and for regulating the management of urinals and privies.

For making regulations for cleansing filthy and unwholesome dwellings.

For supplying private houses with water from the public reservoirs.

For

For making regulations to prevent persons bathing and washing their bodies in tanks and water-courses provided for the domestic uses of the inhabitants of the said Town and to limit the hours of bathing in the tanks and water-courses provided for the purpose of bathing in such manner as shall appear to the said Commissioners necessary to the health, cleanliness and comfort of the labouring population.

For enforcing upon the inhabitants of the said Town the performance of such acts and the abstinence from such acts as an enlightened regard to the health, cleanliness and decency of the said Town ought to induce them to perform and to abstain from due consideration being had for the feelings, manners and customs of the various races of which the said inhabitants consist.

For ascertaining and fixing what pecuniary penalties shall be incurred by persons breaking such Bye-laws. Provided always, that no such last mentioned penalty shall exceed for any one offence the sum of Fifty Rupees, nor in case of continuing nuisance the sum of Five Rupees for every day during which such nuisance shall be continued and unremedied

XXVII. And it is enacted, that no Bye-law made under the powers for that purpose herein last contained shall be of any force until the same shall have been laid before the Governor of the Presidency of Fort William in Bengal and his approbation thereof, and that of the Governor General in Council, shall have been certified to the said Commissioners under his hand by the Secretary to the Government of Fort William in Bengal, nor until the expiration of forty days after the same Bye-law shall have been published once in two of the Calcutta Newspapers, and a copy of such Bye-law with a declaration thereon, signed by the Clerk to the said Commissioners that the same has been approved

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by the said Governor and published in two Newspapers as aforesaid with the date of such publication, shall be received as evidence of such Bye-law, and of the approval and publishing thereof as aforesaid in all Courts of Law and Equity and before all Magistrates.

XXVIII. And it is enacted, that all Bye-laws made in pursuance of this Act shall be printed, and a copy thereof shall be posted up and continue so posted in the Office of the Clerk of the said Commissioners, and copies thereof shall be delivered to any person who may apply for the same on payment of such sum as the said Commissioners shall think it not exceeding Four Annas.

XXIX. And it is enacted, that all the provisions hereinafter contained relative to offences against this Act punishable upon summary conviction shall be taken to apply to all offences committed in breach of any Bye-law made by the said Commissioners by virtue of this Act.

XXX. And it is enacted, that it shall be lawful for the said Commissioners to direct any prosecution for any public nuisance whatsoever, which shall be permitted or suffered within the said Town, and to order proceedings to be taken for the recovery of any penalties and for the punishment of any persons offending against the provisions of this Act, and to direct and order the expenses of such prosecutions and other proceedings to be paid and borne by and out of the funds placed at the disposal of the said Commissioners under the provisions of this Act.

XXXI. And it is enacted, that it shall be lawful for the said Commissioners to sue and be sued, to prefer any bill of indictment or information, or to take any other proceeding against any person who shall steal, take, or carry away, or wilfully deface or injure any property, articles or thing belonging to the said Commissioners, and in every such

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case it shall be sufficient to state generally the property, article or thing, in respect of which such proceeding shall have been taken, to be the property of the said Commissioners.

XXXII. And it is enacted, that nothing in this Act contained shall be construed to render lawful any act or omission on the part of any person which is or but for this Act would be deemed and adjudged to be a nuisance at Common Law, nor to exempt any person guilty of a nuisance at Common Law from prosecution or action in respect thereof. Provided always, that if any person convicted of an offence under this Act shall have paid the whole amount adjudged to be paid under such conviction, and the costs thereof in every such case he shall be released from all further or other criminal proceedings for the same offence.

XXXIII. And it is enacted, that it shall be lawful for the said Commissioners, and they are hereby empowered with the consent and approbation of the said Governor and subject to the restrictions hereinafter contained, to contract and agree with any person or persons for supplying the said Town or any part thereof with water for the purposes of this Act, and with the like consent to agree with any person having and willing to dispose of the same, for the absolute purchase for any purpose which the said Commissioners shall think necessary for obtaining and protecting such supply of water as aforesaid, of any water-works, streams of waters, lands, tenements, easements, hereditaments, fixtures, machinery or other property, or to take a lease thereof for any term of years and subject to such conditions as shall be agreed upon between the parties, and also with the like consent and approbation to grant to any person or persons contracting to supply the said Town or any part thereof, with water, a lease for any term not exceeding twenty-one years, of any water-works, machinery, streams, waters, lands, tenements, easements, rights, privileges and advantages belonging to or acquired by or

which may belong to, or be acquired by or be vested in the said Commissioners under any of the powers or authorities in this Act contained so as to enable such person or persons so contracting the more effectually and efficiently to procure and supply water in pursuance of any such contract or agreement, and every such lease so to be granted by the said Commissioners may be made subject to such conditions and stipulations as to the supplying water for the purposes of this Act, or any of them as may be agreed upon between the respective parties thereto. Provided always, that no lease or contract made in pursuance of the powers hereinbefore contained shall be valid or effectual for any purpose whatsoever unless the said Governor's approval of the same shall be testified by writing endorsed on such lease or contract under the hand of the Secretary to the Government of Bengal.

XXXIV. And it is enacted, that if it shall be necessary or advantageous for the purpose of carrying into execution any plan or mode of supplying water to the said Town that the said Commissioners should avail themselves of any of the powers in this Act contained which authorize the said Commissioners or their Lessees to take or enter upon lands without the consent of the Owners and Occupiers thereof for the purpose of constructing, improving or enlarging any water-works, then, and in every such case, the said Commissioners shall cause a map or plan to be prepared on a scale of not less than one inch to one hundred feet describing the sources from which any supplies of water are intended to be procured, the situation of the intended water-works and the line and course of any intended aqueducts, conduits, tunnels, pipes or other channels for conveying water to or from the said intended source of supply and the lands through which the same respectively are intended to be carried, together with a book of reference containing the names of the Owners or reputed Owners, Lessees or reputed Lessees and Occupiers respectively of any lands intended to be taken for the purpose

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of erecting any works thereon, or to be used for the purpose of carrying any tunnels, pipes, channels or water-works through the same, and one copy of such plan and book of reference shall be deposited in the Office of the Clerk to the said Commissioners and shall be open at all reasonable times there to the inspection of all parties interested therein, and another copy of such plan and book of reference shall be furnished to the said Surveyor of the said Commissioners, and notice of such intended works and of the place in which such plan is deposited shall be given by the said Commissioners to all parties interested in any lands intended to be taken or used for any of the above purposes, through which it is intended to carry any tunnels, pipes, conduits or other works, or to such of the said parties as shall after diligent enquiry be known to the said Commissioners, and such notice shall also be published in two or more of the Calcutta Newspapers at least once in each of two successive weeks.

XXXV. And it is enacted, that as soon as may be after the expiration of one Calendar month from the date of the last publication of such notice the said Surveyor shall give notice by publication in such Newspapers in manner aforesaid that he will within one week from the date of the last of such publications attend upon such lands and point out to such as may meet him there and desire to be informed thereof the line and course of such intended aqueducts, conduits, tunnels and pipes, and the situation of such intended reservoirs, tanks and water-works, and he shall accordingly attend at the time and place named in the said notice, and shall then and there point out the same and all persons who shall deem themselves interested in the matter or likely to be aggrieved thereby shall be entitled to be heard by themselves, their Counsel, Attornies or Agents, and to adduce such witnesses as they may think necessary before the said Commissioners, and the said Commissioners shall report the evidence taken before them, and the plans and book of reference and the report of the said Surveyor, together with their opinion thereon

to the said Governor and thereupon it shall be lawful for the said Governor to disallow or to authorize the taking of the lands specified in such plan, and required to be taken or used for the purposes aforesaid, or any of them without the consent of the Owners and other persons interested therein, subject in the latter case to such regulations and orders as the said Governor shall think necessary to justice and not inconsistent with the objects of this Act, and when and so soon as the said Governor, if he shall so determine shall signify his approval thereof to be testified under the hand of the said Secretary in manner aforesaid then the said Commissioners shall and may proceed to carry such plan into execution.

XXXVI. And it is enacted, that it shall be lawful for the said Commissioners, subject to the restrictions hereinafter contained, from time to time to make, construct, lay down, maintain, alter or discontinue such water-works, steam engines, water-wheels, reservoirs, cisterns, tanks, aqueducts, cuts, channels, conduits, engines, waste-gates, stop-gates, stop-cocks, sluices, banks, bridges, pipes, tunnels, machinery and other works upon the lands hereby authorized to be purchased and taken by the said Commissioners as shall be necessary or proper for obtaining water and supplying the same to the inhabitants of the said Town.

XXXVII. Provided always, and it is enacted, that the said Commissioners in erecting and making the said water-works and the said reservoirs, cuts, channels, aqueducts, tunnels or other works upon lands taken under the compulsory powers hereinbefore contained shall not deviate to any greater distance than the limits of the deviation as marked in the said plan, nor into the lands of any person not mentioned in the said book of reference without his previous consent in writing unless the name of such person shall have been omitted by mistake, and the fact that such omission proceeded from mistake and that such deviation ought to be allowed shall be certified under the hand of such Surveyor.

XXXVIII. Provided

XXXVIII. Provided also and it is enacted, that nothing in this Act contained shall authorize or empower the said Commissioners or their Lessees by virtue of the compulsory powers of purchase hereinbefore contained except in the case of any land expressly taken for forming any reservoir or erecting any steam engine or other works thereon to acquire or obtain any greater right or interest in any lands or premises through or within which any of the said pipes, culverts, aqueducts or tunnels are intended or may be required to be laid than a right of laying the said pipes, culverts, aqueducts or tunnels therein, and of entering thereon from time to time when requisite to renew, amend, repair and examine the same.

XXXIX. And it is enacted, that it shall be lawful for the said Commissioners, subject to the restrictions in this Act contained, to enter upon the lands of any corporation or person adjoining to or being within the distance of one hundred yards of the works by this Act authorized to be made or any part thereof, and not being a garden, orchard, plantation or ground planted and set apart as a nursery for trees, for the purpose of depositing upon such lands or any part thereof any soil, gravel, sand, lime, brick, stone or other materials, or for any other purposes connected with the formation of the said works without making any previous payment, tender or deposit, that the said Commissioners doing as little damage as may be in the exercise of the several powers hereby granted to them, and making compensation for such temporary occupation or temporary damage of the said lands to the Owners and Occupiers thereof from time to time, and as often as any such temporary occupation shall be taken or any such temporary damage done by the said Commissioners or other Officers, and making compensation to the Owners, also for the permanent injury (if any) to such lands, and in case the parties differ respecting the amount of the compensation or the respective shares of several claimants of compensation, then and in every such case the said

dispute

disputes respectively shall be settled and adjusted by arbitration or by the verdict of a Jury summoned and assembled in manner provided in Act No. XXII. of 1847.

XL. Provided always, and it is enacted, that before it shall be lawful for the said Commissioners to make any such temporary use as aforesaid of the lands adjoining or lying near to the said works the said Commissioners shall and they are hereby required to give fourteen days' notice of such their intention to the Owners and Occupiers of such lands, and to separate and set apart by sufficient fences so much of the lands as shall be required to be used as aforesaid from the other lands adjoining thereto.

XLI. Provided always, and it is enacted, that the said Commissioners before entering any such adjoining lands for the purposes aforesaid, shall, if required by the Owners or Occupiers of such lands agree with such Owners or Occupiers for the payment of a certain and fixed annual rent in respect thereof during the continuance of such temporary occupation, and the amount of such rent in case the parties differ shall be settled by arbitration or by the verdict of a Jury summoned and assembled in manner provided in Act No. XXII. of 1847.

XLII. And it is enacted, that the said Commissioners shall and they are hereby required in forming any reservoir or works hereby authorized to be made, and any tunnels or water-courses therein or leading thereto at their own expense to make and provide a sufficient number of convenient roads, ways, watering-places, wells, water-courses, drains and channels for the irrigation and for the use of the adjoining lands, and for irrigating the same in those parts where the present roads, ways, watering-places, wells, water-courses, drains and channels shall and may be taken away or interrupted, injured or rendered inconvenient or useless by

reason

reason of the making of the said reservoirs or other works, and in case of any difference arising between the said Commissioners and the Owners of such adjoining lands such difference shall be settled by arbitration or by the verdict of a Jury summoned and assembled in manner provided in Act No. XXII. of 1847.

XLIII. And it is enacted, that when the pavement or soil of any street, public way or public thoroughfare, or any sewer or drain shall be opened or broken up by the said Commissioners or their Officers, or by any other person, they shall with all convenient speed complete the work on account of which the same shall have been broken up and fill in the ground and make good the pavement and soil, and the sewer or drain so opened or broken up and carry away the rubbish occasioned thereby, and shall in the meantime cause the place where such pavement or soil shall be so opened or broken up to be fenced and guarded and shall set up and maintain upon and against the part of the said pavement or soil so broken up or opened a sufficient light during every night whilst such pavement or soil be continued open or broken up.

XLIV. And it is enacted, that all existing public cisterns, tanks, conduits and other water-works used for the gratuitous supply of water to the inhabitants of the said Town shall be continued, maintained and supplied with water by the said Commissioners, and shall be vested in them and be under their management and control, and it shall be lawful for the said Commissioners to erect and place any number of new cisterns, tanks, pumps, conduits or other water-works for the supply of water to the inhabitants of any street, court, alley, public way or public thoroughfare, or of any number of houses as they shall see fit, or to erect the same in any public situation for the gratuitous use of any persons who may choose to carry water away for their private use but not for

sale, and to supply with water any public baths or wash-houses that may be established for the use of the poorer classes.

XLV. And it is enacted, that if the said Commissioners shall neglect or refuse to furnish a sufficient supply of water for domestic purposes as settled and arranged by the said Surveyor to the Owner or Occupier of any dwelling house rated to the rate hereinafter mentioned, it shall be lawful for such Owner or Occupier to deduct from the amount of such rate a sum equal to one-eighth part of the amount payable by him in each quarter for every two days in succession during which such neglect or refusal shall continue after notice in writing shall have been given to the Clerk of the said Commissioners of the want of such supply unless the want of such supply shall arise from great drought or other unavoidable cause or accident.

XLVI. And in order to preserve the water to be supplied by the said Commissioners for the domestic use of the inhabitants of the said Town pure and wholesome, it is enacted, that every person who shall wilfully or knowingly commit any of the following offences shall for every such offence forfeit and pay on summary conviction before a Magistrate a sum not exceeding Fifty Rupees.

1. Every person who shall bathe in any reservoir, aqueduct or other water-works belonging to the said Commissioners, and provided by them for the domestic use of the inhabitants of the said Town, or shall wash or cause to be washed therein any wearing apparel, horse, dog or animal.

2. Every person who shall throw, put or cast any gravel, stone, rubbish, dirt, filth or other noisome or offensive matter or thing into any such reservoir, aqueduct or other water-works as aforesaid, or shall wash

or cleanse therein any wool, leather or skin of any animal, or other foul or offensive matter or thing.

3. Every person who shall cause or permit the water of any sink, sewer or drain, or any other offensive liquid matter or thing belonging to him, or flowing or being in any house or building, or upon any ground occupied by him to run drain or be conveyed into any of the springs, rivulets, reservoirs, aqueducts, pipes or other water-works, belonging to the said Commissioners, or who shall commit or cause any other act whatsoever, whereby the water of the said Commissioners shall be in any degree whatsoever fouled or corrupted.

XLVII. And it is enacted, that it shall be lawful for the said Commissioners, and they are hereby required to provide a sufficient number of lamps for lighting such parts of the said Town as the said Commissioners on the report of their said Surveyor shall consider to require the same, and shall keep the said lamps in fit order for public use, and shall keep and employ a sufficient number of persons to cleanse, prepare and light the same, and shall also from time to time as shall be required, increase or otherwise alter the number of the said lamps, and shall renew such of the said lamps as shall become broken or unfit for use so that all the streets of the said Town which the said Commissioners shall consider necessary shall be well and sufficiently provided with light from such hour in the evening of each day until such hour of the morning of each following day, as the said Commissioners shall consider to be fit and proper and necessary, and the whole of the expense of the erection, repair, maintenance, cleansing and supplying with oil and wicks, of each and every of the said lamps and of lighting and keeping lighted the same during such hours as aforesaid shall be borne and paid by the said Commissioners.

XLVIII. And

XLVIII. And it is enacted, that every person who shall wantonly or wilfully destroy, injure, deface or disturb any of the said lamps or extinguish any light therein, or abstract or take away from any of the said lamps any oil or other matter or thing therein, or any part thereof without the order of the said Commissioners, or of their said Surveyor, shall forfeit and pay on conviction before a Magistrate for every such offence any sum not exceeding Fifty Rupees.

XLIX. And it is enacted, that if any party shall have committed any irregularity, trespass or other wrongful proceeding in the execution of this Act, or by virtue of any power or authority hereby given, and if before action brought in respect thereof, such party shall make tender of sufficient amends to the party injured, such last mentioned party shall not recover in any such action when brought, and if no such tender shall have been made, it shall be lawful for the defendant in such action by leave of the Court, where such action shall be pending at any time before issue joined to pay into Court such some of money as he shall think fit, and thereupon such proceedings shall be had as in other cases where defendants are allowed to pay money into Court.

L. And it is enacted, that in all cases where any damage, costs or expenses are by this Act directed to be paid, and the method of ascertaining the amount or enforcing the paying thereof is not provided for, such amount in case of dispute, shall be ascertained and determined by arbitration in like manner as is provided for proceeding by arbitration under Act No. XXII. of 1847, and if the parties cannot agree upon two persons as arbitrators or the arbitrators fail to pronounce their award as aforesaid then by any two Magistrates of Calcutta, and if the amount so ascertained be not paid by the said Commissioners or by the other party liable to pay the same, as the case may be, within seven days after demand thereof, the amount may be recovered by action

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of debt or on the case in Her Majesty's said Supreme Court of Judicature.

LI. And it is enacted, that the said Commissioners shall publish short particulars of the several offences for which any penalty is imposed by this Act, or by any Bye-laws of the said Commissioners affecting other persons than Officers or Servants of the said Commissioners, and of the amount of every such penalty, and shall cause such particulars to be printed on a board or printed upon paper and pasted thereon in English and Bengallee, and shall cause such board to be hung up or affixed in some conspicuous place in the Office of the Clerk of the said Commissioners, and when any such penalties are of local application shall cause such boards to be affixed in some conspicuous place of the immediate neighbourhood to which such penalties are applicable or have reference, and such particulars shall be renewed as often as the same or any part thereof is obliterated or destroyed, and no such penalty shall be recoverable unless such particulars shall have been published and kept published in the manner hereinbefore required, or wantonly and maliciously obliterated or destroyed.

LII. And it is enacted, that if any person shall pull down, break or deface any board put up as required by this Act, or shall obliterate any of the letters or figures thereon, he shall forfeit and pay for every such offence a sum not exceeding Fifty Rupees, and shall also defray the expenses attending the restoration of such board.

LIII. And it is enacted, that every penalty or forfeiture imposed by this Act, or by any Bye-law made in pursuance thereof, the recovery of which is not otherwise provided for may be recovered by summary proceeding before any Magistrate of Calcutta, and on complaint being made to any such Magistrate, he shall issue his summons requiring

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the party complained against to appear before him at a time and place to be named in such summons, and every such summons shall be served on the party offending either in person or by leaving the same at his usual or last known place of abode, and upon the appearance of the party complained against or in his absence after proof of the due service of such summons, it shall be lawful for such magistrate to proceed to the hearing of the complaint which complaint shall be reduced to writing, and upon proof of the offence either by the confession of the party complained against, or upon the oath or solemn affirmation of one credible witness or more, it shall be lawful for such Magistrate to convict the offender, and upon such conviction to adjudge the offender to pay the penalty or forfeiture incurred as well as such costs attending the conviction as such Magistrate or Assistant Magistrate shall think fit, which penalty or forfeiture and costs so adjudged may be levied by distress.

LIV. And it is enacted, that where in this Act or in Act No. XVI. of 1847, any sum of money whether in the nature of penalty or otherwise is directed to be levied by distress, such sum of money shall be levied by distress and sale of the Goods and Chattels of the party liable to pay the same, and the overplus arising from such Goods and Chattels after satisfying such sum of money, and the expenses of the distress and sale shall be returned on demand to the party whose Goods shall have been destrained.

LV. And it is enacted, that no distress levied by virtue of this Act, or of Act No. XVI. of 1847, shall be deemed unlawful, nor shall any party making the same be deemed a trespasser on account of any defect or want of form in the summons, conviction, warrant of distress or other proceeding relating thereto, nor shall any such party be deemed a trespasser ab initio on acccount of any irregularity afterwards committed by him, but all persons aggrieved by such defect or irregularity may and shall

shall recover full satisfaction for the special damage in an action on the case in Her Majesty's said Supreme Court.

LVI. And it is enacted, that the Magistrate by whom any such penalty or forfeiture shall be imposed may when the application thereof is not otherwise provided for, award not more than one-half thereof to the informer, and shall award the remainder to the said Commissioners to be by them applied to the purposes of this Act as to them shall appear fit, and shall order the same to be paid over to the Clerk of the said Commissioners for that purpose whose receipt shall be a good and sufficient discharge to the person so paying the same.

LVII. And it is enacted, that no person shall be liable to the payment of any penalty or forfeiture imposed by virtue of this Act, for any offence complained of before a Magistrate, unless the complaint respecting such offence shall have been made before such Magistrate within six months next after the commission of such offence.

LVIII. And it is enacted, that if through any act, neglect or default, on account whereof any person shall have incurred any penalty imposed by this Act, any damage to the property of the said Commissioners shall have been committed by such person, he shall be liable to make good such damage as well as to pay such penalty, and the amount of such damages shall in case of dispute be determined by the Magistrate by whom the party incurring such penalty shall have been convicted, and in case such damages shall not be paid on demand the same may be recovered by action of debt or on the case in Her Majesty's said Supreme Court of Judicature.

LIX. And it is enacted, that it shall be lawful for any Magistrate to summon any person to appear before him as a witness in any matter in which

which such Magistrate shall have jurisdiction under the provisions of this Act at a time and place to be mentioned in such summons, and require from him an oath or solemn affirmation that he will testify the truth in such matter, and if any person so summoned shall without reasonable cause refuse or neglect to appear at the time and place appointed for that purpose, having been paid or tendered a reasonable sum for his expenses if from distance or any other cause he shall be lawfully entitled to claim such expenses, or if any person appearing shall refuse to be examined on his oath or solemn affirmation according to law, or to give evidence before such Magistrate or Assistant Magistrate, every such person shall for every such offence forfeit and pay a sum not exceeding Fifty Rupees.

LX. And it is enacted, that in Acts No. XVI. of 1847, and No. XXII. of 1847, and in this Act, the following words and expressions shall have the several meanings hereby assigned to them, unless there be something in the subject or context repugnant to such construction (that is to say,) words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number, words importing the masculine gender only shall include females unless the word male is used. The word "person" shall include corporations whether aggregate or sole. The words "Oath," "Affirmation" and "Solemn Affirmation" when used alone shall include oath or affirmation or other declaration lawfully substituted for an oath in such case by any Legislative Act of the Governor General of India in Council, or by any Act of the Parliament of Great Britain extended to India. The word "Street" shall include any square, circus, street, court, alley, footpath, highway, lane road, thoroughfare, public passage or other public place within the said Town. The words "the said Commissioners" shall mean the Commissioners for the time being appointed under the provisions of Act No. XVI. of 1847.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. III. OF 1848.

Passed by the Right Hon'ble the Governor General of India in Council on the 26th February, 1848.

An Act for removing doubts as to the meaning of the words "Thug" and "Thuggee," and the expression "Murder by Thuggee," when used in the Acts of the Council of India.

WHEREAS doubts have arisen as to the meaning of the words "Thug" and "Thuggee," and the expression "Murder by Thuggee," when used in the Acts of the Council of India: –

It is hereby declared and enacted, that the word "Thug" when used in any Act heretofore passed by the Council of India, shall be taken to have meant and to mean a person who is, or has at any time been habitually associated with any other or others for the purpose of committing, by means intended by such person or known by such person to be likely to cause the death of any person, the offence of Child-stealing or the offence

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of Robbery not amounting to Dacoity. And that the word "Thuggee" when used in such Acts shall be taken to have meant and to mean the offence of committing or attempting any such Child-stealing or Robbery by a Thug. And that the expression "Murder by Thuggee" when used in such Acts shall be taken to have meant and to mean Murder when employed as the means of committing such Child-stealing or such Robbery by a Thug.

Calcutta, 1848.—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. IV. OF 1848.

Passed by the Right Hon'ble the Governor General of India in Council on the 26th of February, 1848.

An Act for regulating Coroner's Juries.

IT is hereby enacted, that from and after the First day of May, 1848, on all Inquests to be held by the Coroners of Calcutta, Madras or Bombay, no greater number than five Jurors shall be necessary, and that every finding of a Jury consisting of five Jurors shall be to all intents and purposes as good, valid and effectual in Law, as if such finding had been the finding of twelve Jurors.

II. And it is hereby enacted, that when any person shall have been duly summoned to attend as a Juror by any of the said Coroners, and shall fail or neglect to attend at the time and place specified in such summons, it shall be lawful for any such Coroner to cause such person to be openly called in his Court three times to appear and serve as a Juror, and upon the non-appearance of such person and proof that such summons has been served upon him, or left at his usual place of abode, to impose such fine upon the person so making default, not exceeding Fifty Rupees, as to such Coroner shall seem fit, and such Coroner shall make out and sign a Certificate containing the name and surname, the residence and trade, or calling of every person so making default, together with the amount of the fine which shall

shall have been imposed, and the cause of such fine, and shall transmit such certificate to one of the Magistrates of the Presidency of which he is the Coroner, and shall cause a copy of such certificate to be served upon the person so fined, by having it left at his usual place of residence, or by sending the same through the Post Office, addressed as aforesaid, and thereupon such Magistrate shall cause such fine to be levied according to the provisions of Act No. II. of 1839, in the same manner as if such fine had been imposed by himself.

III. And whereas it is expedient to make provisions for supporting Coroner's Inquisitions and for preventing the same from being quashed on account of technical defects:

It is therefore hereby enacted, that no Inquisition found upon or by any Inquest of any of the said Coroners, nor any judgment recorded upon or by virtue of any such Inquisition shall be quashed, stayed, or reversed for want of the averment therein, of any matter unnecessary to be proved, nor for the omission of the words "with force and arms," or of the words "against the peace," or of the words "against the form of the Statute," or for the omission or insertion of any other words or expressions of mere form or surplusage, nor for the insertion of the words "upon their oath," instead of the words "upon their oaths," nor for omitting to state the time at which the offence was committed when time is not of the essence of the offence, nor for stating the time imperfectly, nor because any person or persons mentioned in any such Inquisition is or are designated by a name of office or other descriptive appellation instead of his, her or their proper name or names, nor by reason of the non-insertion of the names of the Jurors in the body of any such Inquisition, or of any difference in the spelling of the names of any of the Jurors in the body of

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any such Inquisition and the names subscribed thereto, nor because any Juror or Jurors shall have set his or their mark or marks to any such Inquisition instead of subscribing his or their name or names thereto, nor because any such mark or marks is or are unattested, provided that the name or names of such Juror or Jurors is or are set forth, nor because any Juror or Jurors has or have signed his or their Christian name or names or other name or names which is not or are not a family name or names by means of an initial or partial signature only, and not at full length, nor because of any erasures or interlineations appearing in any such Inquisition, unless the same shall be proved to have been made therein after the same was signed, nor (except only in cases of murder or manslaughter) for or by reason of any such Inquisition not being duly sealed or written upon parchment, nor by reason of any such Inquisition having been taken before any Deputy instead of the Coroner himself, nor because the Coroner and Jury did not all view the body at one and the same instant, provided that they all viewed the body at the first sitting of the Inquest, and in all or any such cases of technical defect as are hereinbefore mentioned, it shall be lawful for any Judge of Her Majesty's Supreme Court at the Presidency at which such Inquest shall have been held, if he shall so think fit, upon the occasion of any such Inquisition being called in question before him, to order the same to be amended in any of the respects aforesaid, and the same shall forthwith be amended accordingly.

IV. And it is enacted, that it shall be lawful for each of the Coroners of Calcutta, Madras and Bombay from time to time to appoint by writing under his hand and seal a fit and proper person, such appointment being subject to the approval of the Governor of the Presidency of which he is the Coroner, to act for him as his Deputy in the holding of Inquests; and all Inquests taken and other acts performed by any such Deputy Coroner under

under and by virtue of any such appointment shall be deemed and taken to be the acts and deeds of the Coroner by whom such appointment was made. Provided that no such Deputy shall act for any such Coroner except during the illness of the said Coroner or during his absence for any lawful and reasonable cause. Provided also that every such appointment may at any time be cancelled and revoked by the Coroner by whom the same was made.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. V. OF 1848.

Passed by the Right Hon'ble the Governor General of India in Council on the 4th of March, 1848.

An Act to amend the Law regarding the taking of Mochulkas or Penal Recognizances.

I. IT is hereby enacted, that Section 4, Regulation IV. of 1825, of the Bengal Code, is repealed.

II. And it is hereby enacted, that in the Territories subject to the Presidency of Bengal, it shall be lawful for the Zillah and City Magistrates and Joint Magistrates to take Mochulkas or Penal Recognizances in the form annexed to this Act, as well from British subjects as from other persons in all cases wherein it may appear just and necessary to require the same for the maintenance of the peace in their respective jurisdictions although the party to be bound in such recognizances may not have been convicted of any specific offence, provided that the amount of the recognizance in all such cases shall be proportionate to the condition in life of the said party and to the circumstances of the case.

III. And it is hereby enacted, that in cases of an aggravated nature wherein it may appear necessary to require security for keeping the peace

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in addition to the recognizance of the party, it shall be lawful for such Magistrates to direct the same and to fix a reasonable amount for the security bond to be executed in the form annexed to this Act by the surety or sureties.

IV. And it is hereby enacted, that whenever it shall appear to the Magistrate that the period for which the party should be bound to keep the peace with or without additional security, need not exceed one year, it shall be lawful for him, without reference to superior authority, to give directions accordingly, and in default of such recognizance or additional security, to commit the party to prison in the Civil Jail until he shall do what has been required of him.

V. And it is hereby enacted, that whenever it shall appear to the Magistrate that the period for which the party should be bound to keep the peace with or without additional security ought to exceed the period of one year, the Magistrate shall record his opinion to that effect with an order specifying the amount of recognizance and security as well as the number of sureties which should in his judgment be required, and the period for which the recognizance and security should be required, which however shall in no case exceed three years. If the party shall not furnish the recognizance and security so required, the proceedings shall be laid before the Sessions Judge, who, after examining them and calling for any further information which he may think necessary, shall pass orders on the case confirming, modifying or annulling the orders of the Magistrate, and if the orders so passed by the Sessions Judge confirm to any extent the requisition for recognizance or securities the Sessions Judge shall direct the Magistrate to commit the party to prison in the Civil Jail until he shall do what has been required of him.

VI. Provided

VI. Provided always and it is hereby enacted, that no party shall be kept in prison under the foregoing provisions of this Act for a longer period than that for which the recognizance and securities have been required from him.

VII. And it is hereby enacted, that the Provisions contained in Sections V. VI. and VII., of Regulation VIII. of 1818, of the Bengal Code, shall be applicable to all persons confined under the foregoing provisions of this Act, and to all sureties who shall have given security under this Act.

VIII. And it is hereby enacted, that whenever it may be proved before the Magistrate that any such recognizance has been forfeited, he shall proceed to enforce the penalty of such recognizance in the mode prescribed for the satisfaction of decrees of the Civil Court.

IX. And it is hereby enacted, that whenever it may he proved before the Magistrate that any such recognizance has been forfeited if a security bond shall have been taken and the Magistrate shall think that proceedings should be had upon such bond, he shall give notice to the surety or sureties to pay the penalty, or to shew cause why it should not be paid, and if no sufficient cause shall be shewn, the Magistrate shall proceed to recover the penalty from such surety or sureties by the attachment and sale of any of his or their property in the mode prescribed for the attachment and sale of property in satisfaction of decrees of the Civil Court, and if the penalty be not paid and cannot be recovered by such attachment and sale, such surety or sureties shall be liable to confinement by order of the Magistrate in the Civil Jail of the station during a period not exceeding six months.

X. And

X. And it is hereby enacted, that all sentences and orders passed under this Act shall be appealable subject to the general provisions which regulate appeals.

XI. And it is hereby enacted, that in the Territories subject to the Presidency of Bengal all Mochulkas and Security Bonds which by force of any Act or Regulation may be taken by Criminal Courts of the East India Company or by Zillah or City Magistrates or Joint Magistrates for keeping the peace or for good behaviour, may be enforced in the manner prescribed by Sections VIII. and IX. of this Act.

FORM OF MOCHULKA.

Whereas I inhabitant of have been called upon to enter into a Mochulka to keep the peace for the term of I hereby bind myself not to commit any act that can occasion a breach of the peace during the said term, and in case of my making default therein I bind myself to forfeit to Government the sum of Rupees dated

FORM OF SECURITY.

Whereas inhabitant of has been called upon to give security to keep the peace for the term of I hereby declare myself surety for the said that he shall not commit any act that can occasion a breach of the peace during the said term. And in case of his making default therein I hereby bind myself to forfeit to Government the sum of Rupees dated

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. VI. OF 1848.

Passed by the Right Honorable the Governor General of India in Council on the 4th March, 1848.

An Act for equalizing the Duties on Goods imported and exported on Foreign and British Bottoms, and for abolishing Duties on Goods carried from Port to Port in the Territories subject to the Government of the East India Company.

I. IT is hereby enacted, that from and after the Twenty-fifth day of March 1848, all Goods imported on Foreign Bottoms by Sea into any Port of the Presidencies of Fort William in Bengal, Fort St. George, or Bombay shall be charged only with the same rates of duty as such goods would now by Law be charged with if such goods were imported into any of the said Ports on British Bottoms, any thing in any Act of the Council of India contained to the contrary notwithstanding.

II. And it is hereby enacted, that from and after the said day all Goods exported on Foreign Bottoms by Sea, from any Port of the said Presidencies, shall be charged only with the same rates of duty as such goods

goods would now by law be charged with if such goods were exported from any of the said Ports on British Bottoms, any thing in any Act of the Council of India contained to the contrary notwithstanding.

III. And it is hereby enacted, that from and after the said day no duty shall be charged on any Goods lawfully carried from any Port in the Territories subject to the Government of the East India Company to any other Port in the said Territories, any thing in any Act of the Council of India contained to the contrary notwithstanding.

IV. Provided always, that nothing in this Act contained shall apply to the Articles of Salt or Opium.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. VII. OF 1848.

Passed by the Right Hon'ble the Governor General of India in Council on the 25th of March, 1848.

An Act to except certain free Ports from the operation of Section III., Act No. VI. of 1848, *and otherwise to amend that Act.*

I. IN modification of Section III., Act No. VI. of 1848, it is hereby enacted, that the provisions of the said Section shall not apply to Goods exported from any part of the Territories subject to the Government of the East India Company, to any of the ports in the Straits of Malacca, or to any of the ports in the Tenasserim Provinces, or to any of the ports in the Province of Arracan, nor to Goods imported from any of those ports into any port of the said Territories.

II. And it is hereby enacted, that no drawback shall be allowed on the re-export of Goods from any port in the Territories, subject to the Government of the East India Company to any other port in the said Territories, to which the operation of Section III., Act No. VI. of 1848, may extend.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. VIII. OF 1848.

Passed by the Governor General of India in Council on the 25th of March, 1848.

To modify the provisions of Sections 9, 10, 11 *and* 13 *of Regulation V.* 1812, *of the Bengal Code.*

IT is hereby enacted, in modification of the provisions of Sections 9, 10, 11 and 13 of Regulation V. 1812 of the Bengal Code, that if any ryot or tenant of land, upon whom such notice or demand as is specified in the said Sections is to be served, shall have no place of usual residence in the zillah where the land to which such notice or demand has reference is situate, the mode of serving such notice or demand with a jumma wassil baukee shall be by affixing it at the Maal Cutcherry of such land, or other conspicuous place thereon or at the village Chouree, Choupal, or other conspicuous place in the village.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. IX. OF 1848.

Passed by the Governor General of India in Council on the 25th of March, 1848.

An Act to repeal Acts No. XII. of 1839 *and No. XII. of* 1840, *and to raise funds for Police and Municipal purposes throughout the Settlement of Prince of Wales' Island, Singapore and Malacca, and the dependencies and places subordinate or annexed thereto, by levying an Assessment upon the rents, produce and income derived from Buildings and Lands within the said Settlement, and by taxing Carriages, Waggons, Carts, Horses, and Mules kept or used within the same.*

I. IT is hereby enacted, that from and after the First day of January 1849, Act No. XII. of 1839 and Act No. XII. of 1840, are repealed.

II. And it is hereby enacted, that from the said First day of January 1849 an Assessment at a rate not exceeding ten per cent., to be fixed from time to time, as he shall think fit, by the Chief Civil Authority within the incorporated Settlement of Prince of Wales' Island, Singapore and Malacca, shall be levied every half-year in advance on the actual or estimated rents of all Houses, Shops and other Buildings situated within the said Settlement and the dependencies and places now or hereafter to be subordinate or annexed thereto, to be paid by the Tenant or Tenants, or Occupier or Occupiers of such Houses, Shops and other Buildings at the time of such Assessment. Provided always, that the several Houses

or Buildings specified in Schedule A hereunto annexed, shall be exempted from Assessment under this Act.

III. And it is hereby enacted, that from and after the day aforesaid an Assessment at a rate not exceeding five per cent., to be fixed from time to time as he shall see fit by the said Chief Civil Authority, shall be levied half-yearly or annually upon the actual rent or upon the value of the net produce derived from all lands situated in the said Settlement, dependencies and places held, possessed, or used for purposes of agriculture or cultivation of any description whatsoever. Provided always, that no Assessment shall be charged on any rent paid as quit rent to the East India Company for lands held under leases or other titles from the said Company, and that the produce of lands of less extent than three (3) acres used for the cultivation of Paddy, Siri, or Vegetables, and lands of which the annual net produce shall be less than Ten Spanish Dollars, if it shall be the sole assessable property of any one or more persons, shall be exempted from the payment of any Assessment under this Act.

IV. And it is hereby enacted, that in order to ascertain the value of the net produce of any such lands for any one year or half-year for the purpose of levying such Assessment the amount of outlay actually paid and expended during that particular period in and upon the lands yielding such produce and in the manufacture of any such produce (not including either the purchase money of such lands, or the original outlay thereon, or the cost or purchase money of any articles of Machinery used or employed, or of any Buildings erected thereon) shall be deducted from the estimated value, at the then local current rate, of the gross quantity or amount of produce whether manufactured or otherwise derived from such lands, and that upon the overplus or net balance value so ascertained the said Assessment shall be levied and paid.

V. And

V. And it is hereby enacted, that in order to facilitate the collecting of Assessment on lands in manner specified in Section IV. of this Act, it shall and may be lawful for the Collector or other Officer appointed in manner hereinafter mentioned to collect the same at each of the said Stations of Prince of Wales' Island, Singapore and Malacca, and the dependencies and places aforesaid to require the Owner, Occupier, Agent, Superintendent or other person in charge of any such lands to furnish him either annually or half yearly in writing under his or their hand or hands, with a true and detailed statement of the gross and actual quantity and amount of produce of what nature and kindsoever yielded by the said land or manufactured therefrom during either of the said periods, and likewise a true and detailed statement of the amount of actual outlay paid and expended in the cultivation of the said land and in the preparation or manufacture of the produce thereof during the like periods, which said statements shall be verified by oath or affirmation to be made by such person or persons before one of Her Majesty's Justices of the Peace at such Station (who is hereby authorized and required to administer the same) if thereto required by the said Collector or other Officer as aforesaid. And any person or persons who shall refuse to make such oath or affirmation, or who shall refuse to furnish such statement, shall on conviction thereof before the Court of Quarter Session at such Station, be liable to pay a fine not exceeding Two Hundred Spanish Dollars, and in default of payment thereof to be imprisoned for a term not exceeding two months.

VI. And it is hereby enacted, that from and after the day aforesaid a Tax shall be levied half-yearly in advance on all Carriages, Waggons, Carts, Horses, Mules and Elephants in use or kept within the said Settlement, dependencies and places to be charged on the Owner or Owners, or where the Owner is absent or cannot be ascertained, on the person or persons in charge thereof, at the following rates, that is to say: On every four or three wheeled Carriage, per annum,... 10 Sp. Drs.

On

On every two wheeled Carriage, per annum, ...	8	Sp.	Drs.
On every Waggon drawn by man or beast per annum,...	8	,,	,,
On every Cart drawn by any description of Cattle, per annum, ...	6	,,	,,
On every Cart drawn by man, per annum, ...	4	,,	,,
On every Horse or Mule, per annum, ...	2	,,	,,
On every Elephant, per annum, ...	12	,,	,,

and that if the payment of any such Tax shall not be duly made it shall be lawful for any Justice of the Peace upon being satisfied that due diligence has been used to obtain payment, to issue his Warrant for levying the amount of such Tax by seizing and selling the Goods and Chattels of the person or persons so charged with the payment of such Tax and so making default. Provided always, that the several vehicles and animals, specified in Schedule B hereunto annexed, shall be exempted from the payment of any Tax under this Act.

VII. And it is hereby enacted, that the Chief Civil Authority of the said Settlement shall have power to appoint a Collector or Collectors, or such other Officer or Officers as may be deemed requisite for the collection of the Assessment and Taxes leviable under this Act at the several Stations of Prince of Wales' Island, Singapore and Malacca, and the dependencies and places subordinate or annexed thereto respectively.

VIII. And it is hereby enacted, that in any case where payment shall not be duly made of any Assessment charged and demanded under authority of this Act, the Collector or other Officer appointed to collect the same shall certify in writing such non-payment to any Justice of the Peace who, if he shall be satisfied that due diligence has been used to obtain payment, and that the same has been improperly withheld, shall issue his Warrant for levying the amount of such Assessment by seizure and sale of any Goods and Chattels and growing Crops whatsoever and

to whomsoever belonging in or upon the Houses, Shops or other Buildings, or in or upon the lands respectively charged, and the overplus if any, after deducting the expences of such seizure and sale, shall be paid to the Owner or Owners of the Goods, Chattels, or growing Crops so seized and sold, or to the person or persons in whose possession the same may have been found.

IX. And it is hereby enacted, that it shall be competent for the Collector or other Officer appointed to collect the aforesaid Assessment and Taxes at the said Stations of Prince of Wales' Island, Singapore and Malacca, and the dependencies and places aforesaid, in lieu of proceeding against defaulters by Warrant of Distress as aforesaid, to sue in his name for the recovery of any arrears through any Court of Justice to which such defaulters shall or may be amenable.

X. And it is hereby enacted, that the Court of Quarter Session of the said Settlement shall have power to hear and determine in such manner as to the said Court shall seem just all appeals by parties who may feel themselves aggrieved by, or who may have any reason to object to any demand for payment of any Assessment or Tax leviable under this Act whether on the ground of surcharge or otherwise, provided always, that before any application for any such appeal shall be entertained by the said Court the party or parties making the same shall first pay the amount of the Assessment or Tax charged, and at the time of such payment give notice in writing of his or their intention to appeal to the Collector or other Officer by whom such Assessment or Tax may have been demanded.

XI. And it is hereby enacted, that no appeal shall be allowed by the said Court of Quarter Session unless the same shall have been made and prosecuted within three months from the time of payment of the amount of Assessment or Tax demanded and delivery of such notice to the Collector or other Officer aforesaid.

XII. And

XII. And it is hereby enacted, that the monies collected from the Assessment and Taxes leviable under this Act at the said several Stations of Prince of Wales' Island, Singapore and Malacca, and the dependencies and places aforesaid, shall be called the "Municipal Fund," and that the same or so much thereof as shall be required shall be applied in manner hereinafter mentioned, towards the payment and maintenance of an efficient Police and of an Establishment for the collection of the said Assessment and Taxes at each of the said Stations, dependencies and places; and also towards the efficient watching, repairing, renewing, cleansing, draining and keeping in repair the public Roads and Streets and all other public thoroughfares in Town and Country at each of the said Stations, dependencies and places; and also towards the repairing, renewing, building, rebuilding, cleansing and securely upholding all public Bridges, Jetties, Quays, Aqueducts, Canals, Sluices, Sewers and Sluice-gates made for or in the occupation or use of the public at the said Stations, dependencies and places either made, commenced or hereafter to be made; and also towards the lighting of the said public Streets and Bridges, and to the effecting of other purposes necessary for the comfort and protection of the inhabitants of the said Settlement, dependencies and places. Provided always, that all Roads, Streets and Bridges leading to and terminating at any Government House and other Building belonging to Government, or any Military Post, Barracks or Cantonment, or any Hospital, Poor House, Sailor's Home or other Benevolent or Charitable Institution under the patronage of Government, or any place of Public Worship shall be deemed to be Public Roads, Streets and Bridges within the meaning of this Act.

XIII. And whereas it is desirable, that a certain number of the Rate-payers of the said Settlement should from time to time be appointed to assist the Government in the management of the said Municipal Fund, as well as in the performance of other Municipal Acts hereinafter mentioned: It is hereby enacted, that it shall be lawful for the Chief Civil

Authority

Authority of the said Settlement for the time being; from time to time, to nominate and appoint at each of the said Stations of Prince of Wales' Island, Singapore and Malacca, a Municipal Committee to consist of five resident Rate-payers, of whom two shall be Officers of the local Government, and in case it shall be found impracticable from refusal to act, to obtain at either of the said Stations a sufficient number of unofficial persons to compose such Committee, it shall be competent for the said Chief Civil Authority to nominate and appoint a Committee of three resident Rate-payers instead of five; and that it shall be competent for the said Municipal Committee in conjunction with the said Chief Civil Authority, and under and in conformity with such orders and instructions as may from time to time be issued by the Governor of Bengal, to make order for the performance of the several objects and purposes specified and contained in Section XII. of this Act for which provision is thereby directed to be made out of the said Municipal Fund; and to authorize and sanction the payment and disbursement of all Bills and Charges for the same. Provided, nevertheless, that it shall be competent for the said Chief Civil Authority at any time, if he shall think fit, to refer any matter or thing whatsoever herein to be done and performed for the sanction or instructions of the Governor of Bengal, accompanied by the opinion or observations thereon of the said Municipal Committee, and that nothing in this Act contained shall be construed to affect any of the provisions of Act No. III. of 1847.

XIV. And it is hereby enacted, that the said Municipal Committee shall have power to make Rules and Regulations, subject to the approval of the said Chief Civil Authority, for more fully and effectually carrying out and performing the objects and purposes specified in Sections XII. and XIII. of this Act, and to alter or amend the same from time to time as may be necessary subject to the like approval.

XV. And it is hereby enacted, that as soon after the 1st day of January in every year as may be practicable, the Collector or other Officer

Officer appointed to collect the Assessment and Taxes under this Act at each of the said Stations of Prince of Wales' Island, Singapore and Malacca, shall prepare a detailed Statement of the said Municipal Fund exhibiting the sums collected under the respective heads of Assessment, Taxes or otherwise during the preceding year, and shewing also the disbursements which have been made during the same period, and that the said statement shall be published at the Station to which it relates in a Newspaper, and if such Station shall have no Newspaper then the publication shall be made in some Newspaper at any of the other Stations; and the said statement shall also be open to general inspection at the Office of such Collector or other Officer for a period of one month from the date of its publication.

XVI. And it is hereby enacted, that the Officer Superintending the Police at each of the said Stations of Prince of Wales' Island, Singapore and Malacca, shall between the 1st and 15th day of January in every year, require the Owners of all Palanquin Carriages, Carts, and other Vehicles, kept in such Station for the purpose of being let to hire for the conveyance of passengers or goods to enter such Palanquin Carriages, Carts and other Vehicles, in a Register to be kept for that purpose at the Police Office of such Station. And every Owner of a Palanquin Carriage, Cart or other Vehicle subject to such registration who shall omit or refuse to enter such Vehicle at the Police Office in manner aforesaid, shall on conviction before a Justice of the Peace, pay for each offence a fine not exceeding Twenty Spanish Dollars, with costs of prosecution to be recoverable on non-payment by Warrant of Distress and sale under the hand of the convicting Justice of the Peace, and the overplus, if any, of the Goods and Chattels sold shall be paid to such Owner or Owners.

XVII. And it is hereby enacted, that every Owner of a registered Palanquin Carriage, Cart or other Vehicle who shall neglect to place in a conspicuous part of such Vehicle a numbered board which shall be furnished

furnished to him by the Registering Officer, shall on conviction before a Justice of the Peace, pay a fine not exceeding Five Spanish Dollars for each offence, to be recovered in manner specified in the last foregoing Section.

XVIII. And it is hereby enacted, that all Quarter Session and Police fees, fine, poundage, and forfeitures imposed, levied and paid at each of the said Stations of Prince of Wales' Island, Singapore and Malacca shall be forthwith paid into the said Municipal Fund at such Station in aid of the several purposes specified in Section XII. of this Act.

XIX. And it is hereby enacted, that no Assessment or Charge made under authority of this Act shall be impeached or affected by reason of any mistake in the name of any person liable to Assessment or Tax, or of any thing chargeable with Assessment or Tax, or any mistake in the amount of Assessment or Tax charged provided the directions of this Act be in substance and effect complied with; and that no proceedings or other matter or thing had or done under this Act shall be quashed or set aside for want of form in any Court or Courts of Justice.

SCHEDULE A.

Referred to in Section II. of this Act.

To be exempted from the payment of Assessment.

PUBLIC BUILDINGS.

Hospitals, Poor Houses, Places of Worship, Charitable and Benevolent Institutions and Schools not used as Private Dwelling Houses,

Convict Lines, Gaols, Barracks or Lines for Soldiers, Police Offices and Thannahs.

PRIVATE BUILDINGS.

Mills, Drying and Boiling Houses, Out Offices and Labourers' Huts belonging and attached to Estates and Plantations; and any Dwelling House, Shop or other Building which shall not have been used or occupied for more than three months in any one year; and any Attap Huts or Sheds belonging and attached exclusively to Vegetable Gardens and Paddy Fields consisting of not more than five acres, and any House or Building of which the annual value or rent shall be less than Six Spanish Dollars if it shall be the sole assessable property of the person or persons charged therewith.

SCHEDULE B.

Referred to in Section VI. of this Act.

To be exempted from the payment of Taxes.

Waggons and Carts bearing the Owner's name painted in large letters on some conspicuous part of each, and not used on the public highway.

Waggons and Carts being the bonâ fide property of Government, and used in the publie service.

Hearses kept exclusively for the removal of the Dead.

Elephants kept exclusively within Estates or Plantations, and not brought or used upon the public Roads or Bridges.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. X. OF 1848.

Passed by the Right Honorable the Governor General of India in Council on the 8th April, 1848.

An Act for annexing the lapsed State of Mandvee to the Presidency of Bombay.

WHEREAS the State of Mandvee has lapsed to the British Government;—

I. It is hereby enacted, that from and after the 1st day of May, 1848, the lapsed State of Mandvee, as described in the annexed Schedule, shall be subject to all Regulations and Acts which are, or shall be, in force within the Territories subject to the Presidency of Bombay.

II. And it is hereby enacted, in modification of Section XXI. Regulation II. of 1827; of Section VI. Regulation XVI. of 1827; and Sections IX., XVI. XXXIV. and XLIX. of Regulation XVII. of 1827, that suits on the following subjects shall not be cognizable by the Civil Courts within the said lapsed State of Mandvee:

1st. All claims for damages against persons in authority under the late Government for abuse of power during that period.

2d. All

2d. All claims against Government on account of Enams.

3d. All claims against Government on account of Jagheers, Wurshasuns, Pensions, Nemnooks and other advantages not hereditary.

4th. All disputes regarding public Rent or Revenue payable to Government, and all complaints of exaction by Mamlutdars, or District or Village Officers.

5th. All claims on account of Village debts, all Village boundary disputes, and disputes regarding the use of wells and water courses.

III. And it is hereby enacted, that the Governor of Bombay in Council shall be, and is hereby empowered to exempt from the jurisdiction of the Civil and Criminal Courts, the Widows and such of the present relatives of the late Rajas of Mandvee as may to him seem proper, and to declare the persons so exempted amenable to the authority of an Agent whom he may appoint for this purpose.

SCHEDULE.

Territorial Description of the Purgunna of Soowangiah, constituting the lapsed State of Mandvee.

It is bounded on the East by Punch Molee Purgunna, belonging to His Highness the Guicowar.

On the West, by Turkeswur Purgunna of the Surat Zillah, and Gullah Purgunna belonging to His Highness the Guicowar.

On the North, by Wusravee and Nausur Purgunnas belonging to His Highness the Guicowar, and Koondha Purgunna belonging to the Raja of Rajpeepla.

On

On the South, by Timbah Beearah and Soonghur Purgunnas belonging to His Highness the Guicowar, and Kurod and Walore Purgunnas of the Surat Zillah.

It comprises the undermentioned Towns and Villages 162.

Town of Mandvee situated on the North Bank of the Taptee River.

Purgunna Soowangiah.

1. Kherpor.
2. Kakurwa.
3. Poonah.
4. Oon.
5. Oosked.
6. Umul Saree.
7. Ghorsumba.
8. Gamtulao Boojgur.
9. Godawaree.
10. Boree.
11. Nundpor.
12. Khuralee.
13. Oomersaree, J.
14. Kosaree, J.
15. Kumlapor, J.
16. Vureth.
17. Kakrapar.
18. Bulunga.
19. Peepulwara.
20. Kanaghat.
21. Undhatree.
22. Hureepor.
23. Gangpor Hursud.
24. Dudwara.
25. Berdha.
26. Bhat Khaee.
27. Surkooee.
28. Umulwan.
29. Jetpo.
30. Keodee, E.
31. Kurootha, E.
32. Zhuree.
33. Umulchoonee, J.
34. Velunghur.
35. Ambapor, J.
36. Lakhakhan.
37. Wensala.
38. Katkoowa, J.
39. Rukhus Khuree.
40. Kurwutee.
41. Hurumwao.
42. Kheempor.
43. Chandpor, J.
44. Rukhwao.
45. Mugutroo.
46. Khaturdevee.
47. Khurgam.

47. Khurgam.
48. Goondwan.
49. Bulalteeruth.
50. Roondha.
51. Muhoodee.
52. Gangpor Dewah Ranah.
53. Makungur.
54. Deoghuree, J.
55. Limdha.
56. Tarapor.
57. Maldha.
58. Joonwan, J.
59. Keemdoongra.
60. Larkoowa.
61. Choramba, J.
62. Esur.
63. Patawaree.
64. Deoghur.
65. Undharwaree.
66. Kunujwan, J.
67. Dhuj.
68. Dhujamba.
69. Kolkhuree.
70. Looharwur.
71. Bulettee.
72. Solee.
73. Puterkooee.
74. Jamkooee.
75. Peepulwan.
76. Bhoondha.
77. Amlee.
78. Surapara.
79. Limbaree.
80. Chelwas.
81. Gungapor.
82. Jamunkoowa.
83. Peechurwan.
84. Undhatree.
85. Sursee.
86. Bhensee.
87. Jhuree.
88. Burtul.
89. Sutwao.
90. Oomurkhuree.
91. Gamtulao Khoord.
92. Tursarah Khoord.
93. Kulumkoowa.
94. Khurera.
95. Foolwaree.
96. Gordha.
97. Veesdaleeya.
98. Vagnera.
99. Guntolee.
100. Roopun.
101. Vularghur.
102. Saluya.
103. Moreetha.
104. Kaleebel.
105. Teetoee.
106. Regama.
107. Dadakooee.
108. Purwut.
109. Khor Amba.
110. Kalmoee.
111. Patul.
112. Kumlasotee.
113. Kolsanoo.

113. Kolsanoo.
114. Tooked.
115. Mudhul Kooee, J.
116. Oontewah.
117. Jhab.
118. Choorel.
119. Kusal.
120. Fulee.
121. Pardee.
122. Ambah.
123. Kurwulee.
124. Boudhan.
125. Muthasroo.
126. Vurelee.
127. Patna.
128. Keodyoon.
129. Peepultha.
130. Tukwarah.
131. Oomerwan.
132. Vurod.
133. Nougamah.
134. Kolakooee.
135. Dhurumpor.
136. Togapor.
137. Oosked.
138. Khanpor.
139. Rohenee.
140. Untrolee.
141. Boreegala.
142. Jhurpun.
143. Ureth.
144. Veghee.
145. Nuryn.
146. Guwachee.
147. Khunjrolee.
148. Khaler.
149. Peepureeya, J.
150. Tursara.
151. Jamunkoowa.
152. Vurjakhund.
153. Jhakla.
154. Beerama.
155. Sadree.
156. Rutuneeya.
157. Vuseegam.
158. Naneecher.
159. Mooteecher.
160. Vanklah.
161. Rajwur.
162. Rajpoora Loombha.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XI. OF 1848.

Passed by the Governor General of India in Council on the 20th of May, 1848.

An Act for the punishment of wandering gangs of Thieves and Robbers.

WHEREAS it is expedient to extend some of the Provisions of the Law for the conviction of Thugs and Dacoits to other gangs of Thieves and Robbers, It is enacted as follows:

I. Whosoever shall be proved to have belonged either before or after the passing of this Act to any wandering gang of persons, associated for the purposes of theft or robbery, not being a gang of Thugs or Dacoits, shall be punished with imprisonment with hard labour for any term not exceeding seven years.

II. Any person accused of the offence of belonging to any such gang as aforesaid, or of the offence of unlawfully and knowingly receiving or buying property stolen or plundered by any such gang, may be committed by any Magistrate within the Territories of the East India Company, and

and may be tried by any Court which would have been competent to try him if his offence had been committed within the Zillah where that Court sits.

III. No Court shall on the trial of any offence under this Act require any Futwa from any Law Officer.

Calcutt, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XII. OF 1848.

Passed by the Governor General of India in Council on the 27th of May 1848.

An Act for better defining the jurisdiction of the Calcutta Court of Commissioners for the Recovery of Small Debts.

WHEREAS the jurisdiction of the Court of Commissioners for the Recovery of Small Debts in and for the Settlement of Fort William in Bengal, hath been exercised under colour of a Proclamation made by the Vice President of the Presidency of Fort William in Bengal, in Council, with the approval of the Governor General of the said Presidency, bearing date the 18th day of March 1802, and of another Proclamation made bythe Governor General of the said Presidency in Council, bearing date the 25th day of September 1813, and of another Proclamation made by the Governor General of the said Presidency in Council, bearing date the 29th day of October 1819: And whereas doubts have arisen as to the legality of the said last two Proclamations, and of all that has been done or may hereafter be done in pursuance thereof: And whereas doubts have also arisen whether the powers given to the Commissioners of the said Court by the first of the said Proclamations are by the terms of the said third Proclamation effectually extended to the matters over which jurisdiction is thereby declared to be given to the said Court of Commissioners,

Commissioners, and it is expedient to remove such doubts: And whereas the Rules, Orders and Regulations for the direction of the process and practice of the said Court which have been established in and by the said Court have not been allowed, printed or published as directed by the said first Proclamation, and it is expedient to ratify and confirm the same notwithstanding such omission: And whereas the said Commissioners have been accustomed to sit separately and to form separate Courts sitting at the same time or at different times, and it is also expedient to establish as well prospectively as retrospectively the legality of that practice,—It is enacted as follows:

I. All proceedings heretofore had or hereafter to be had in pursuance of and in conformity with the said Proclamations, or any of them by the said Commissioners, or any person or persons acting under their authority shall be deemed to have been, and to be, valid in law to all intents and purposes whatever, and against all persons and bodies corporate whomsoever.

II. All the powers and authorities declared to be given to the said Commissioners by the said first Proclamation shall extend to and be exercised in respect of and shall be deemed to have heretofore extended to all matters which in and by the several Proclamations, or any of them, the said Commissioners were authorized to hear and determine.

III. All proceedings heretofore had by any Commissioner or Commissioners of the said Court whilst sitting apart from the others or other of them, or by any person or persons under his or their authority, shall be deemed to have been as valid in law to all intents and against all persons and bodies corporate whomsoever, as if all the said Commissioners had been sitting together in the said Court of Requests, and such Commissioners

missioners may henceforth sit either altogether or apart, and may hold one Court or two or three separate Courts sitting at the same time or at different times in like manner as they have been heretofore accustomed to do.

IV. All rules, orders, forms of procedure and tables of fees now used or established in the said Court shall be deemed to be and to have been from the time of their being first used or established respectively, valid in law to all intents, notwithstanding the omission to procure the allowance by the Supreme Court of Judicature of such of the same as should have been so allowed, and notwithstanding the non-printing and non-publication of such of the same as should have been printed and published.

V. All summonses and other process issued by the said Commissioners, or any of them, whether issued before or after the passing of this Act, shall be deemed to be valid and effectual in the law on whatsoever day the same shall have been made returnable.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XIII. OF 1848.

Passed by the Governor General of India in Council on the 10th of June 1848.

For limiting the time within which a Suit may be brought to contest the awards of the Revenue Authorities in the Presidency of Bengal.

FOR the greater security of possessory titles in the Presidency of Bengal derived from awards made by the Revenue Authorities under Regulation VII. of 1822, Regulation IX. of 1825, and Regulation IX. of 1833, of the Bengal Code, It is enacted as follows:

I. No suit shall be entertained in any Court for contesting the justice of any award made before the passing of this Act by the Revenue Authorities under any of the recited Regulations after the expiration of twelve years from the date of the final award.

II. After the expiration of three years from the passing of this Act, no such suit shall be entertained for contesting the justice of any such award made before the passing of this Act.

III. No such suit shall be entertained for contesting the justice of any such award made after the passing of this Act, after the expiration of three years from the date of the final award.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XIV. OF 1848.

Passed by the Governor General of India in Council on the 17th of June, 1848.

To enable the Supreme Court of Calcutta to issue Commissions for taking Affidavits.

WHEREAS doubts are entertained whether the Supreme Court of Judicature at Fort William in Bengal has power on the Crown and Plea side of the Court under the Charter of that Court to grant a Standing Commission to take Affidavits, or solemn affirmations, and it is expedient that such power be had and exercised as occasion requires, It is enacted as follows:

I. After the passing of this Act, the said Court shall have power to issue a Commission or Commissions from time to time under the Seal of the said Court, to such person or persons as the said Court shall think fit to name therein empowering him, or them, or any one, or more of them, to take Affidavits and solemn affirmations in any cause, or other proceeding in the said Court now, or hereafter to be depending, or with the intent to institute any proceeding whatever in the said Court.

II. Every

II. Every Affidavit or solemn affirmation so taken shall be deemed to be taken in the said Court, and shall render the person or persons taking the same liable to payment of the same fees (if any) to be received and accounted for in the same manner as in the case of an Affidavit or solemn affirmation made and taken in Court.

III. Every person so making any Affidavit or solemn affirmation, knowing the same or any part thereof to be untrue, shall be liable to the same penalties in all respects as if such Affidavit or solemn affirmation had been made and taken in open Court.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XV. OF 1848.

Passed by the Governor General of India in Council on the 17th June 1848.

An Act to forbid trading by the Officers of the Supreme Courts.

FOR the better discharge of their duties by the Officers of the undermentioned Courts of Justice, It is enacted as follows:

I. No Officer of any of the Courts of Judicature established by Royal Charter, within the Territories subject to the Government of the East India Company, or of any Court established for the Relief of Insolvent Debtors within the said Territories, shall directly or indirectly by himself, or by any other person or persons on his behalf, accept from any person or persons any gift or reward for any act or behaviour in his Office other than his legal salary and fees and profits of office, or hold any office in any Bank or Public Company, except as hereinafter excepted, or carry on or be concerned in any dealings as a banker or trader or as agent, factor, or broker either for his own advantage, or for the advantage of any other person or persons except such dealings as it may be part of the duty of any such Officer by virtue of his office to carry on.

II. This

II. This Act shall not be construed to forbid any Officer of any of the said Courts, who is also a practising Advocate, Attorney, Solicitor or Proctor in any of the said Courts, from taking the usual fees and emoluments of Advocates, Attorneys, Solicitors or Proctors, nor to apply to any Advocate, Attorney, Solicitor, Proctor, Sheriff, Assignee, Receiver or Committee, so far as he is held to be in that capacity merely for some purposes an Officer of any of the said Courts.

III. This Act shall not be construed to forbid any Officer of any of the said Courts from holding any unpaid office in any Society for Charitable purposes, or for the advancement of knowledge, or for the encouragement of Science, Art, or Manufactures.

IV. Every Officer of any of the said Courts who shall knowingly offend against this Act shall, on conviction thereof, be liable to be punished by deprivation of his office, and also, by the sentence of the Court before which he shall be convicted may be declared incapable, and in that case shall become incapable of being appointed to the same or any other office of the same Court, or to serve Her Majesty or the East India Company in the Territories under the Government of the East India Company, or in such part of the said Territories as shall be specified in the sentence or in the discretion of the Court may be otherwise punished by fine or fine and imprisonment for his misdemeanour as to the Court shall seem fit, regard being had to the nature of his offence.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XVI. OF 1848.

Passed by the Governor General of India in Council on the 1st of July, 1848.

An Act to remove certain restrictions on the Salt Trade.

WHEREAS the Salt Trade in the North Western Provinces is burdened with unnecessary restrictions, It is enacted as follows:

I. Sections 49, 50, 85 and 93, of Regulation X. of 1819, of the Bengal Code, and so much of Section 48, of the same Regulation, as affects the importation of Salt from the North Western Provinces into the other Provinces of the Presidency of Bengal, also Section 2 of Regulation X. of 1826, of the same Code, shall be repealed from the First day of August in this year.

II. After the said First day of August, no Customs Duty shall be leviable upon Salt imported into the said North Western Provinces from the other Provinces of the said Presidency.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XVII. OF 1848.

Passed by the Governor General of India in Council on the 26th August 1848.

An Act for substituting Stamp Duties instead of Institution Fees in the Courts of the District Moonsiffs in the Presidency of Madras; and for refunding Stamp Duties on Plaints in certain cases.

WHEREAS it is expedient to substitute Stamp Duties for Institution Fees in the Courts of the District Moonsiffs in the Presidency of Madras, and to authorize the return of the whole or part of the Stamp Duties paid on Plaints in all civil actions which are dismissed on application of the parties, It is enacted as follows:

I. Section XVI. and Clause 2, Section LVII. Regulation VI. 1816, and Sections IV. and V. Regulation II. 1834, of the Madras Code, shall be repealed from the First day of September in this year.

II. From and after the said First day of September, so much of Regulation XIII. 1816, and Section VII. Regulation VII. 1818, of the Madras Code, as relates to the levying of Stamp Duties instead of Fees on the institution of Civil actions, shall be applicable to the Courts of District Moonsiffs in the Presidency of Madras.

III. Whenever

III. Whenever a suit pending in any Civil Court within the Territories subject to the Presidency of Madras shall be dismissed on application of the parties, the plaintiff shall be entitled to claim from the Court a certificate, stating the amount of Stamp Duty paid on the Plaint, with specification of the number and endorsement of the paper filed, and whether the suit was dismissed before or after the completion of the pleadings.

IV. On presenting any such Certificate to the Collector of the District within three calendar months after the dismissal of the suit, the plaintiff shall be entitled to receive back half of the said Stamp Duty, if the certificate purports that the suit was dismissed after the completion of the pleadings; and if before, the whole of the said Stamp Duty; Provided always there be no exception taken to the paper or endorsement thereon.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT NO. XVIII. OF 1848.

Passed by the Governor General of India in Council on the 26th August 1848.

An Act for the Administration of the Estate of the late Nuwab of Surat, and to continue privileges to his family.

WHEREAS it is expedient to provide for the administration of the Estate of the late Nuwab of Surat, Meer Ufzooloodeen Khan, Kumrood Dowleh, Ushmut Jung, Bahadoor; and whereas the exemption from the jurisdiction of the Civil and Criminal Courts enjoyed by the said late Nuwab and his relations and servants, by virtue of the Treaty concluded between the East India Company and the said late Nuwab on the 13th May 1800, recognized and confirmed by Clause 2, Section XXI. Regulation II. 1827, and Clause 2, Section I. Regulation XI. 1827, of the Bombay Code, ceased at the death of the said late Nuwab, and it is deemed expedient that some of the said persons should continue to be privileged, It is enacted as follows:

I. No writ or process shall be sued forth or prosecuted against the person, goods or property of the several persons named in the Schedule annexed to this Act, being the widows and family of the said late Nuwab, or of any of them, unless with the consent of the Governor of Bombay in Council first obtained; such consent to be signified by the signature of

of one of the Secretaries to Government: and any writ or process sued forth or prosecuted against the person, goods or property of the said several persons, or any of them, without such consent as aforesaid, shall be utterly null and void.

II. The Governor of Bombay in Council is empowered to act in the administration of the property of whatever nature, left by the late Nuwab of Surat, in regard to the settlement and payment of the debts and claims standing against the Estate of the said late Nuwab at the time of his death, and to make distribution of the remaining property among his family; and no act of the said Governor of Bombay in Council, in respect to the administration to and distribution of such property, from the date of the death of the said late Nuwab, shall be liable to be questioned in any Court of Law or Equity.

III. The limitation of time for bringing suits in the Civil Courts, provided in Regulation V. 1827 of the Bombay Code, shall be held, in respect to all persons within the provisions of Clause 2, Section XXI. of the said Regulation II. 1827, to begin, as to all causes of action arising before the passing of this Act, from the day of the passing of this Act: subject to this provision, that no suit by or against any of the said persons shall be entertained in any Civil Court, on account of any cause of action which arose at a time preceding the death of the said late Nuwab by more than the number of years or months severally limited, with reference to such cause of action, by the said Regulation V. 1827, as the period within which the suit must be filed after such cause of action arose, or came to the knowledge of the plaintiff, as the case may be.

IV. Deeds registered under the provisions of any Act passed by the Governor General of India in Council shall not, on the sole ground of priority of registration, invalidate Deeds which may be duly registered within six months from the day of the passing of this Act, by any persons within the provisions of the said Clause 2, Section XXI. Regution II. 1827; provided that such last mentioned Deed relates to property conveyed to the owner before the day of the passing of this Act.

SCHEDULE.

ACT No. XVIII. OF 1848.

SCHEDULE.

1	Badsah Begum, ...	Widow	Of the late Nuwab.
2	Ameeerool Nissa Begum, ...	Widow	
3	Meer Juffer Ali, ...	Son-in-law	
4	Zeeaool Nissa Begum, ...	Granddaughter	
5	Ruheemool Nissa Begum, ...	Granddaughter	
6	Meer Moeenoodeen Khan, ..	Buckshee.	
7	Meer Kumroodeen Unlud Shumsooddeen.		

Calcutta, 1848 —Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XIX. OF 1848.

Passed by the Governor General of India in Council on the 2d September 1848.

For better defining the Law as to revision of the sentences of Subordinate Criminal Courts in the Presidencies of Bengal and Madras.

WHEREAS it has been doubted how far Section V. Regulation IX. 1831 of the Bengal Code is repealed by Act XXXI. 1841, and what power the Foujdaree Adawlut at Madras has under Section XXXV. Act VII. 1843, It is enacted as follows :

I. So much of Section V. Regulation IX. 1831, of the Bengal Code, as is now in force, and also Section XXXV. Act VII. 1843, are repealed.

II. The Nizamut Adawlut in the Presidency of Bengal and Foujdaree Adawlut in the Presidency of Madras, in any case in which it shall appear to either of them upon a review of the Abstract Statements or Calendars of prisoners punished without reference, that the sentence passed is one which cannot lawfully be passed on a person convicted of the

the offence as stated in the Abstract Statement or Calendar, shall annul the sentence, and shall certify to the subordinate Court the sentence or sentences which may lawfully be passed for such offence, and thereupon the subordinate Court shall pass a new sentence according to Law, and shall amend the record in accordance therewith.

III. The said Nizamut Adawlut or Foujdaree Adawlut, in any case in which it shall appear to either of them, upon a review of the Abstract Statements or Calendars of prisoners punished without reference that the verdict or judgment pronounced on any prisoner was not warranted by the evidence, or that his sentence was too severe, may, if it thinks fit, require the Judge of the Court in which the conviction was had to certify under his hand all the evidence taken in the case affecting such prisoners, with any observations which the Judge may be desirous of making in explanation of the verdict, judgment or sentence; and thereupon the Nizamut Adawlut or Foujdaree Adawlut, as the case may be, may annul such verdict, judgment and sentence, if the verdict or judgment shall appear to it not warranted by the evidence, or mitigate the sentence, if it shall appear too severe, and in either case shall certify its proceedings to the Court in which the conviction was had, which shall thereupon make such orders as are conformable to the decision of the Nizamut Adawlut, or Foujdaree Adawlut, and, if necessary, amend the record in accordance therewith.

IV. Instead of proceeding under this Act, the said Nizamut Adawlut or Foujdaree Adawlut may, whenever it thinks fit call for the whole record of any criminal trial in any subordinate Court, and pass thereon such orders as it thinks fit, but not so as to enhance the punishment awarded, or punish any person acquitted in the subordinate Court.

Calcutta, 1848.—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT NO. XX. OF 1848.

Passed by the Governor General of India in Council on the 23d September 1848.

An Act for better enforcing the attendance of Proprietors and Farmers of Land before Collectors of Land Revenue in the Lower Provinces of the Bengal Presidency.

WHEREAS, by sundry Regulations of the Bengal Code, provision is made for the imposition of a daily fine, by the Board of Revenue or other authority exercising the powers of that Board, on any proprietor or farmer of land subject to the provisions contained in the said several Regulations, who, when duly summoned by the Collector or other Officer exercising the powers of Collector, shall omit or refuse to attend, or to cause his Officer or Agent to attend, or to furnish the accounts or documents required, and shall not shew sufficient cause for such omission; and it is further provided that the fine, when confirmed by Government, is to be levied by the same process as is prescribed for the recovery of arrears of revenue; and whereas in many cases, by the delay thus occasioned, the whole burden of the penalty is greatly increased beyond

beyond what would be necessary, if summary power were given to the Officer by whom the requisition is made, to impose and levy reasonable fines, subject to review by the Commissioner of Revenue and other superior authority, It is enacted as follows:

I. If any proprietor or farmer of land shall omit or refuse to attend, or to cause his Officer or Agent to attend, when duly summoned by the Collector, in any case specified in any of the said Regulations, by the time prescribed in the notice issued by the Collector, or shall omit or refuse to furnish the accounts or documents required, and shall not shew sufficient cause for such omission, the Collector may impose of his own authority such daily fine, to be payable daily until compliance with the requisition, as he may think adequate to the situation and circumstances in life of the defaulter, not exceeding in any case the daily fine of fifty Rupees: and the amount of such fine, accruing due from time to time, may be levied without further confirmation, by the same process as is prescribed for the recovery of arrears of revenue.

II. The Collector shall forthwith report the imposition of every such fine, and the amount thereof, and also from time to time the amount levied, to the Commissioner of Revenue, who shall report the same for the information of the local Government.

III. Every order passed by a Collector under this Act shall be appealable in the usual manner to the Commissioner of Revenue, and other superior authority; but no such appeal shall avail to prevent the levy of any fine so imposed pending the appeal.

IV. Whenever the amount levied under any such order, issued for any default by authority of a Collector under this Act, shall have exceeded five hundred Rupees, the Collector shall report the case specially to the Commissioner

Commissioner of Revenue; and no further levy for such default shall be made otherwise than by authority of the Commissioner of Revenue.

V. Nothing in this Act contained shall be deemed to repeal the power of imposing daily fines and of levying the fines so imposed in the manner prescribed by the said several Regulations.

VI. The word "Collector" used in this Act shall be taken to mean any person lawfully exercising the powers of a Collector.

VII. This Act shall not extend to the North West Provinces of the Presidency of Bengal.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XXI. OF 1848.

Passed by the Governor General of India in Council on the 10th October, 1848.

An Act for avoiding Wagers.

WHEREAS it is expedient to discourage gaming and wagering for money, It is enacted as follows:

I. All agreements, whether made in speaking, writing or otherwise, by way of gaming or wagering, shall be null and void: and no suit shall be allowed in any Court of Law or Equity for recovering any sum of money or valuable thing alleged to be won on any wager, or entrusted to any person to abide the event of any game, or on which any wager is made.

II. The several Courts of Justice established by Royal Charter, instead of directing an issue to be tried on a feigned wager for ascertaining any disputed fact, in the exercise as well of the Equity or Admiralty or any other Jurisdiction as of the common Law Jurisdiction of the Court may

may issue summonses to witnesses, and cause them to be examined orally in open Court as witnesses in the cause; and the witnesses so summoned shall be bound to attend and give their evidence in the same manner, and under the like penalties for neglect or disobedience, or for giving false evidence, as any witness duly summoned to give evidence according to the practice of the Court before the passing of this Act.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XXII. OF 1848.

Passed by the Governor General of India in Council on the 10th of October, 1848.

An Act to simplify Indictments for Forgery.

FOR better avoiding the failure of justice in Criminal proceedings for Forgery, It is enacted as follows:

I. In any information or Indictment laid or brought in the Court established by Royal Charter, for forging, or in any manner uttering any forged instrument or writing, it shall not be needed to set forth a true exact copy thereof; but it shall be enough to describe such forged instrument or writing, in such manner as would sustain an indictment for stealing it.

Calcutta, 1848.—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XXIII. OF 1848.

Passed by the Governor General of India in Council on the 10th of October, 1848.

An Act to amend a Clerical Error in Act No. XXV. of 1840.

FOR remedy of a Clerical Error in Act No. XXV. of 1840, It is enacted as follows:

I. Any person guilty of the offence punishable under Section VII. of Act XXV. of 1840, shall be liable to the punishment therein provided for such offence, on conviction thereof before any Magistrate.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XXIV. OF 1848.

Passed by the Governor General of India in Council on the 10th October, 1848.

An Act for providing for the exercise of certain powers by the Governor General during his absence from the Council of India.

WHEREAS it is expedient that the Governor General should visit the North Western Provinces and other parts of India unaccompanied by any Member of the Council of India, it is enacted as follows:

I. During the absence of the Governor General from the Council of India, it shall be lawful for the Governor General alone to exercise all the powers which may be exercised by the Governor General in Council except such powers as may by a Resolution of the Governor General in Council be exercised by the President in Council during the absence of the Governor General, and except the power of making Laws and Regulations.

II. This Act shall commence from the day on which it shall be notified by an Order published in the Official Gazette, that the Governor General has quitted Calcutta for the purpose of so proceeding as aforesaid.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by W. Ridsdale.

ACT No. XXV. OF 1848.

Passed by the Hon'ble the President of the Council of India in Council on the 25th November, 1848.

An Act for Restoration of the Jagheer of Bunganapilly.

WHEREAS by Act X. 1843, the administration of justice and collection of the revenue in the districts of Kurnool and Bunganapilly were vested in an Agent appointed by the Governor of Fort St. George in Council; and it is now deemed expedient to restore the Jagheer of Bunganapilly, to be holden by the Jagheerdar, subject to the same conditions and reservations as heretofore, it is enacted as follows:

I. On the First day of January 1849, the authority of the Agent of the Governor of Fort St. George, appointed under Act X. 1843, shall cease as to the district of Bunganapilly; and no Agent shall thereafter be appointed for Bunganapilly under that Act.

II. All lawful proceedings of the said Agent and his Assistants before the said First day of January shall stand good.

III. The Foujdaree Adawlut and Sudder Adawlut shall continue to have and exercise the same jurisdiction respectively as to criminal trials

trials referred by the Agent before the said First day of January, and as to appeals from any decree made by the Agent before the said First day of January, as if his authority had not ceased in the said district; and their judgments and orders shall be executed in the same manner.

IV. When the Agent shall have duly accounted to the Governor of Fort St. George in Council, for all monies received and paid by him in his administration of the revenues of the said Jagheer, and shall have received, by order of the said Governor in Council a discharge in full of all claims against him for such administration, neither he nor any of his Assistants shall be liable to give any further account, or to be questioned for the same or any part thereof in any Court of Justice.

V. Nothing in this Act contained shall be deemed to waive or abate any part of the paramount authority and controul of the East India Company over the said district, or of the Sovereign authority of the British Government.

Calcutta, 1848 :—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XXVI. OF 1848.

Passed by the Hon'ble the President of the Council of India in Council on the 30th December, 1848.

An Act to extend to the Straits the Act for regulating Coroner's Juries.

WHEREAS it is expedient to extend the operation of Act No. IV. 1848, It is enacted as follows :

I. From the First day of March 1849, Act No. IV. 1848 shall apply to the Settlements of Prince of Wales' Island, Singapore and Malacca, and to all inquests held there by any Coroner, or Deputy Coroner; and the word Presidency as used in the said Act shall be taken to mean also the Government of the said Settlements.

Calcutta, 1849 :—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XXVII. OF 1848.

Passed by the Hon'ble the President of the Council of India in Council on the 30th December, 1848.

An Act to Amend the Act XII. of 1844.

WHEREAS it is deemed expedient that the Act No. XII. of 1844, entitled "An Act for better securing the observance of an Exact Discipline in the Indian Navy," should be amended as hereinafter is mentioned, And whereas the Court of Directors of the East India Company have given their previous sanction to the several enactments hereinafter contained, It is enacted as follows:

I. From and after the First day of February 1849 the Articles and Orders hereinafter following, as well in time of Peace as in time of War, shall be observed and put in execution in manner hereinafter mentioned in addition to the thirty-five Articles and Orders contained in the said Act, that is to say:

36th. Every person belonging to the Indian Navy who shall be guilty of Manslaughter, or any other offence against the person, or of any offence against the property, of any subject of Her Majesty, or any other person entitled to Her Majesty's protection, or to the protection of the respective Governments of the East India Company, or any other person whomsoever,

whomsoever, not being an Enemy of Her Majesty or of the East India Company, (and the punishment of which offence is not provided for by the said Act,) shall be liable to Transportation for life, or for a term of years, or to such other punishment according to the nature and degree of the offence as a Court Martial shall award.

37th. All Insubordination, Disorders, Irregularities, and Neglects which any person belonging to the Indian Navy may be guilty of, to the prejudice of good order or of discipline in the Naval Service of the East India Company, and all disgraceful conduct of a cruel or dishonest or indecent or malicious or mischievous character, though not particularly specified in the said Act, or in this Act, shall be liable to such punishment, having regard to the nature and degree of the offence, as a Court Martial shall adjudge.

38th. Where any person belonging to the Indian Navy (not being of the Rank of an Officer,) shall be guilty of any offence, which the Officer in Command of the Ship or Vessel shall deem necessary to be punished without trial by Court Martial, the offence shall be investigated by such Commanding Officer; and the offender shall be liable to such punishment, (not extending to life or limb, or to transportation, or imprisonment exceeding six days, or to any corporal punishment exceeding twelve lashes), as such Officer shall by his Warrant adjudge.

II. In the several cases in which a Court Martial is by the said Act authorized to award the punishment of death and also in grave cases of embezzlement against the 8th and 24th Articles of the said Act, and also in the case of grave offences against the 20th and 21st of the said Articles a Court Martial may, if it shall adjudge the same to be proper, award sentence of transportation for life or for a term of years.

III. In

III. In all cases where a capital punishment shall have been awarded by a Court Martial, it shall be lawful for the Governor General in Council, (if he shall think the circumstances of the case make it proper so to do), to order the offender to be transported for life, or for a certain term of years.

IV. In cases where any sentence of transportation shall be passed under the provisions of the said Act, or of this Act, or any sentence of death be commuted to transportation, the offender shall be conveyed to or left at some one of the Presidencies of India, and shall be liable to be dealt with, as in the case of other offenders sentenced to transportation, and shall be subject to all such orders for carrying the sentence into execution as shall in that behalf be given by the Governor General in Council, or if the offender shall be at the Presidency of Fort St. George or the Presidency of Bombay, then by the Governor in Council of such Presidency; subject, however, in the last mentioned case, to any orders made by the Governor General in Council, in case any such orders shall have been so made.

V. The Governor General of India in Council, and the Governors in Council of Madras and Bombay respectively, shall have full power and authority from time to time, as there shall be occasion, to direct any superior Officer, Captain, or Commander of the Indian Navy, who shall be in any Port of the East Indies, to hold Courts Martial in any such Port as shall be found most expedient and for the good of the East India Company's Service; and such superior Officer, Captain, or Commander shall preside at such Court Martial.

VI. And for removing the doubts which have been entertained as to the effect and intention of the 9th Section of the said Act No. XII. of 1844, in relation to the Officers of whom Courts Martial, to be held or appointed

appointed under that Act, shall be composed, it is declared and enacted, that any Officers of the Indian Navy, ordered by Government or the Superintendent of the Indian Navy to be present at any Court Martial, for the purpose of serving thereat if required, shall be eligible to act on any Court Martial, although such Officers may not be commissioned to any Ship or Vessel.

VII. If on any occasion there shall not be present a sufficient number of Superior Officers, Captains, Commanders, and Lieutenants of the Indian Navy to form a Court Martial, for the purposes of the said Act or of this Act, the required number of Officers may, with the sanction of the Government, or Officer by whose authority the Court Martial shall have been convened, be made up or completed by any Officer or Officers in the Military Service of the East India Company then being Commissioned and in Pay, and of the Rank either of Major or Captain, who may be present, and may be ordered, or be ready, to afford his or their services on such Court Martial; and, for default of such or of a sufficient number of such, then the deficiency may be supplied by any Officer or Officers of Her Majesty's Naval Service of sufficient Rank, according to the said Act, who may be present, and may be ready to afford his or their services on such Court Martial; and the proceedings of a Court Martial so constituted shall be valid and effectual.

VIII. The Clauses and Provisions of the said Act No. XII. of 1844, for regulating the places to which and persons to whom the same is to extend, and also the other Clauses and Provisions thereof shall apply to this Act, and the two Acts shall be construed together as one Act, and the same effect shall be given thereto, and to the several Articles and Provisions thereof respectively as if the Articles and Provisions contained in this Act had been originally contained in the said Act No. XII. of 1844, and had formed part of the Articles and Provisions of that Act.

Calcutta, 1849 :—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

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TO THE

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A.	*Act.*	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1849.			
Abkaree—Collection of Revenue from the retail sale of Spirituous or Fermented Liquors or intoxicating Drugs to be under the Collector of Calcutta, subject to the control of the Commissioner of Abkaree and the Board of Customs, Salt and Opium.	XI.	II.	.....	Calcutta.
,, Collector may appoint Officers for the Collection of the Revenue and prevention of Smuggling.	,,	III.		
,, Penalty for selling by retail any Spirituous or Fermented Liquors, &c., without a License.	,,	IV.		
,, Sale of what quantity of English or Foreign Beer, Wines, or Spirits, or Bengal Spirituous or Fermented Liquors or intoxicating Drugs shall be deemed a retail sale.	,,	V.		
,, Sale of quantities larger than those specified above prohibited. Penalty for breach of this prohibition. Importation of Spirituous or Fermented Liquors and intoxicating Drugs under passes from the Collector for wholesale to retail dealers or for exportation not prohibited.	,,	VI.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1849.			
Abkaree—Board of Customs, Salt & Opium shall regulate the form of Licenses. ...	XI.	VII.		
„ Persons taking out a License shall execute a counterpart of the same. ...	„	VIII.		
„ Persons taking out a License shall pay the duty fixed with the Board's sanction.	„	IX.		
„ Collector may recall a License for default or any other cause.....	„	X.		
„ License-holders may surrender their License on payment of an additional tax for 15 days.	„	XI.		
„ Justices of the Peace shall not grant Licenses to persons not holding Licenses for the retail of Liquors or Drugs to open Hotels, Punch Houses, Boarding Houses, &c., where Spirits may be sold.....	„	XII.		
„ Payment of arrears of duty on account of License how to be enforced.	„	XIII.		
„ Penalty for breach of conditions of a License.	„	XIV.		
„ Penalty for persons not holding Licenses having in possession or carrying within Calcutta, without a pass, Spirituous Liquors in quantities specified in Section V.	„	XV.		
„ Such Spirituous Liquors, &c., will besides be seized and confiscated with vessels, packages and conveyances. ...	„	XVI.		
„ Officers may enter and inspect places where Spirituous Liquors, &c., are sold.	„	XVII.		
„ Licenses to be shewn on the demand of any Abkaree Officer, and in default what shall be the penalty.	„	XVIII.		
„ Officers may detain persons carrying Spirituous Liquors, &c., without a pass, and may seize the same.	„	XIX.		
„ What steps to be taken on information being received by the Collector of the concealment of illicit Spirituous Liquors, &c.....	„	XX.		
„ Penalty for Peace Officers, refusing to help the Abkaree Officers in the execution of this Act.	„	XXI.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1849.			
Abkaree—Proceedings to be adopted by the Abkaree Officers and the Collector on the arrest of persons and seizure of illicit articles.	XI.	XXII.		
„ Penalty for persons giving false information of illegal sale or deposit of Spirituous Liquors, &c., ...	„	XXIII.		
„ Penalt for resistance of proceedings, and for breach of the peace arisingtherefrom.	„	XXIV.		
„ Officers delaying to produce before the Collector persons arrested, or illicit articles, or neglecting to report an arrest, seizure or search, shall be liable to what punishment.	„	XXV.		
„ Penalty for Officers vexatiously seizing Goods or arresting persons.	„	XXVI.		
„ Penalty for Officers conniving at the escape of persons arrested, or at the illegal sale of Spirituous Liquors, &c.	„	XXVII.		
„ Officers taking unauthorized gratuities for doing or omitting to do any official acts, and persons offering bribes to such Officers shall be liable to what penalty.	„	XXVIII.		
„ Judicial procedure for determining cases concerning seizure of confiscated Goods or Chattels, and the sale thereof.....	„	XXIX.		
„ Ditto for declaring Goods liable to forfeiture, and their final disposal, when no claimant appears within one month after notice.	„	XXX.		
„ All fines, except those under Section XXXVIII., to be adjudged by a Justice of the Peace for Calcutta. Offenders in default of payment shall be liable to imprisonment not exceeding six months. Time for taking proceedings under this Section limited.....	„	XXXI.		
„ Repetition of offences by the same offender how to be punished.....	„	XXXII.		
„ Informers how to be rewarded out of the fines levied and proceeds of articles confiscated, and when there is no fine realized.....	„	XXXIII.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1849.			
Abkaree—Fines, the disposal of which is not provided for, shall belong to Government, but the Board may grant any portion thereof to Informers, or to injured parties.....	XI.	XXXIV.		
„ Information or Judicial Proceedings before any Justice of the Peace not to be affected by a Writ of *Certiorari*, except in case of an erroneous judgment.....	„	XXXV.		
„ The Abkaree Commissioner or the Board may call for the proceedings of the Justice of the Peace, and may restore confiscated property and remit any penalty.	„	XXXVI.		
„ Limitation of period for the commencement of any action or prosecution against the Collector or any Abkaree Officer, and notice thereof to be given one month before the commencement of the action. Tender of sufficient amends before or of money after the action shall bar the plaintiff from recovering damages.	„	XXXVII.		
„ Penalty for contempt in the Collector's Cutcherry: appeal to lie to the Commissioner of Abkaree, and in his absence to the Board of Customs, Salt and Opium, whose decision shall be final.	„	XXXVIII.		
Act XXXI. of 1845, repealed, ...	VI.	I.		
„ XXI. of 1839 and „ III. of 1842, extended to the Town of Madras. ..... (See Magistrates.)	VIII.			
„ IV. of 1835, „ I. of 1837, and „ XXXII. of 1838, extended to the Presidency of Madras. ..... (See Justices of the Peace.)	IX.			
„ I. of 1842 and „ XXVI. of 1845, repealed. ..... (See Abkaree.)	XI.	I.		
Acts of Parliament—(See Statutes.)				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1849.			
Administrator General may apply for and obtain, instead of the Ecclesiastical Registrar, Letters of Administration of Estates of British Subjects dying intestate within the Bengal Presidency or its subordinate Territories, if no next of kin establish their claim to the Administration of the Estate, or the Executors of Estates refuse to prove the Will.	VII.	I.	.....	Bengal.
„ Estates, Effects and Interests vested in the Ecclesiastical Registrar of the Supreme Court, and all Books and Papers under his control appertaining thereto, transferred to the—with all powers as the Registrar might exercise.	„	II.		
„ The Ecclesiastical Registrar shall be the first—and shall cease to be Ecclesiastical Registrar, and the Administrator General shall receive the Commissions to which he was entitled as Registrar.....	„	III.		
„ On future vacancies the—shall be appointed by the Governor General in Council.	„	IV.		
„ Shall not hereafter be deemed an Officer of the Supreme Court, and not otherwise accountable to it than any ordinary Executor or Administrator....	„	V.		
„ What security to be given by the— ...	„	VI.		
„ Rate of Commission to which he shall hereafter be entitled for the discharge of his duties.	„	VII.		
„ No person other than the—shall be entitled to any Commission as Executor of any Will, but an Executor may have the benefit of any legacy left to him.	„	VIII.		
„ Assets where to be kept and how invested.	„	IX.		
„ Accounts of Estates how to be kept and receipts and payments how entered. Books shall be open for public inspection on payment of a fee.....	„	X.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1849.			
Administrator General—Schedules of Estates to be filed in the Supreme Court twice a year, and published in the Calcutta Gazette. Copies to be delivered to the Secretary of the Presidency and sent to the Court of Directors for publication.	VII.	XI.		
„ Governor General in Council shall appoint Auditors to examine the accounts of the—	„	XII.		
„ The Auditors shall vouch for and report to Government the correctness of the Accounts.....	„	XIII.		
„ Auditors may summon the—and others and call for Books and Papers, and what course shall be taken by them in case of default.	„	XIV.		
„ Costs of the preparation and publication of the Schedules how to be adjusted....	„	XV.		
„ Auditors shall report to the Governor General in Council the substance of any objections they may take to the correctness of the Schedules.	„	XVI.		
„ Governor General in Council shall refer such report to the Advocate General that he may proceed summarily by petition for an account against the.—The Court shall examine parties or refer the accounts to be taken in the ordinary way.	„	XVII.		
„ Costs of reference and examination how to be defrayed.....	„	XVIII.		
„ Power of Court to make orders upon such petitions and effect of such orders.	„	XIX.		
„ May grant certificates entitling claimants to a principal share of the Effects of British Subjects dying intestate to receive sums if they do not exceed 500 Rupees, and no Letters of Administration be taken out for three months. ...	„	XX.		
„ Shall not be bound to grant such certificate unless satisfied of the title of the claimant and the value of the Effects.....	„	XXI.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1849.			
Administrator General—Receipt from the person getting the Certificate of money or security belonging to such Estates, shall be a discharge with respect to the claim of any other person upon the person paying the same. Any next of kin, or representative, or creditor of the deceased, shall have remedy for recovery against the person receiving the money.	VII.	XXII.		
„ May take out Letters of Administration if he discovers any fraud or misrepresentation, or that the value of the Estate exceeds 500 Rupees.	„	XXIII.		
„ May charge a fee of 3 per cent. on the amount of the Certificate.	„	XXIV.		
„ Penalty for perjury committed on examination authorized by this Act....	„	XXV.		
Alimentary Salt—(See Salt.)				
Army—Tampering with the—(See Military or Naval Forces.)				
Arrack imported into the Straits Settlements—(See Duty.)				
Asiatic Rum imported into the Straits Settlements—(See Duty.)				
B.				
Bank—Union—(See Union Bank of Calcutta.)				
Board of Revenue at Madras—Powers of the—may be vested in a Member of the Board on being deputed by the Governor in Council to any District on a Commission. (See Commissioner.)				
Branding Convicts—Practice of—abolished. (See Regulations), ...	II.	II.	.....	General.
British Subjects dying intestate within the Bengal Presidency—Administration of the Estates of—(See Administrator General.)				
C.				
Commissioner—Governor in Council may depute a Member of the Board of Revenue as—to any District with the				

powers

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1849.			
powers of the Board of Revenue collectively.	X.	I.	.....	Madras.
Commissioner—Effect of the Special Commission which may be given to such Member.	,,	II.		
,, Commission to be published in the Fort Saint George Gazette, and the revocation or other determination of the same.	,,	III.		
,, Documents belonging to such Commission shall be deemed Records of the said Board	,,	IV.		
Convicts—Practice of branding—abolished. (See Regulations.)	II.	II.	.....	General.
Criminal Courts having cognizance of offences under Section XXXVI., Regulation II. 1827, of the Bombay Code, may issue warrants under the hands of the Judges or one of the Judges for the arrest of the accused.	XII.	III.	.....	Bombay.
,, Offenders against the said Law may be tried and punished after removal from the Establishment of the Court to which they belong at the time of committing the offence	,,	IV.		
Criminal Lunatics—(See Lunatics.)				
Custody of Criminal Lunatics—(See Lunatics.)				
Customs—(See Duty.)				
D.				
Drugs—Intoxicating—(See Abkaree.)				
Duty—Customs or Excise—on any greater or less than the given quantity how to be regulated.	V.	.....	.....	General.
E.				
Estates—Administration of—of British Subjects dying intestate within the Bengal Presidency. (See Administrator General.)				
Excise – (See Duty.)				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
F.	1849.			
Foreign Territories—Persons in the Company's Service and subjects of the British Government committing offences within—who may be apprehended within the British Territories, shall be amenable to the Law for offences committed in the Territory of any Foreign Prince or State.....	I.	II.	.....	General.
„ The Committing Magistrate shall before trial report the case to Government....	„	III.		
„ Government may order the trial before any competent Court.....	„	IV.		
„ If the offence be committed in—in which there is a Court established by authority of the Governor General in Council, the offender may be made over for trial before such Court.....	„	V.		
„ In committing such offender for trial what shall be the forms of warrant and bail-bond, pending the order of Government and after receipt of such orders...	„	VI.		
„ Order of Government shall be full authority for the trial and punishment of the offender within or out of the British Territories.	„	VII.		
„ Meaning of "Government" defined. ...	„	VIII.		
„ Commissioners vested with the delegated authority given to the Government may receive reports and give orders under this Act.	„	IX.		
I.				
International Jurisdiction. (See Foreign Territories and Offences.)				
Intoxicating Drugs. (See Abkaree.)				
J.				
Justices of the Peace—Powers of two—within the Madras Presidency or its subordinate places vested in one Justice of the Peace appointed to be a Magistrate.	IX.	I.	.....	Madras.
„ One Justice of the Peace appointed as Magistrate, may issue a Warrant of Distress for the recovery of arrears of assessment.	„	II.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
L.	1849.			
Leaguer of Arrack or Asiatic Rum imported into the Straits Settlements. (See Duty.)				
Liquors. (See Abkaree.)				
Lunatics may be acquitted by a competent Court or Jury for an offence proved to have been committed by them from unsoundness of mind.	IV.	I.	.....	General.
„ A special verdict to be given to that effect on acquitting them, ...	„	II.		
„ After verdict to be kept in custody for such time and in such manner as the Government may order.	„	III.		
„ Who have been acquitted before the passing of this Act may be kept in custody in like manner.	„	IV.		
„ On being restored to soundness of mind shall not be discharged unless by order of Government.	„	V.		
„ Government may remove such—to a Lunatic Asylum or other place of safe custody; afterwards remand them to the prison from which they were removed, or order them to be discharged if no longer to be kept in custody. ...	„	VI.		
„ Meaning of the word "Government" defined.....	„	VII.		
M.				
Madras—Power of Police Magistrates for the Town of—for the trial and punishment of simple Larcenies and other Felonies. (See Magistrates.)				
„ Commissioner of Revenue at—(See Commissioner.)				
Magistrate—Powers given by Acts XXI. 1839 and III. 1842, to any Justice of the Peace for the Town of Calcutta, for the trial and punishment of certain simple Larcenies and other Felonies and Assaults on board of Merchant Ships, extended to any—for the Town of Madras.	VIII.	I.	.....	Town of Madras.

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1849.			
Magistrate—The above Acts how to be read in respect of the Town of Madras and the Madras Roads.	VIII.	II.		
„ Powers of a single—who is also Justice of the Peace within the Madras Presidency. (See Justices of the Peace.)				
Malacca—Duty on Arrack or Asiatic Rum imported into—(See Duty.)				
Marking Convicts—the practice of—abolished.	II.	II.	.....	General.
Military Pensions exempted from seizure. (See Pensions.)				
Military or Naval Forces of the East India Company—attempt to seduce persons serving in the—or to stir up Mutiny among them how punishable...	XIV.	I.	.....	General.
„ Offenders under this Act may be committed by any Magistrate and tried by the Court of Sessions or by the Supreme Court.	„	II.		
„ Futwa not requisite in the trial of such offences.	„	III.		
„ Persons not exempted from being tried by a Court Martial under the Articles of War and Laws for the discipline of Indian Navy; but no person shall be tried for the same offence under the said Laws and also this Act.	„	IV.		
Mutiny. (See Military or Naval Forces.)				
N.				
Naval Pensions exempted from seizure. (See Pensions.)				
Navy—Tampering with the—(See Military or Naval Forces.)				
O.				
Offences cognizable under Section XXXVI., Regulation II. of 1827, of the Bombay Code. ..... (See Criminal Courts.)	XII.	III. and IV.		
Offences committed by persons of unsound mind. (See Lunatics.)				

	Act.	Section.	Clause.	Territorial Scope of the Acts.
	1849.			
Offences committed in Foreign Territories by British Subjects. (See Foreign Territories.)				
P.				
Pensions—Military and Naval and Superannuation—or those of any Out-Pensioner of Chelsea or Greenwich Hospital, exempted from seizure by process of Court at the instance of a Creditor.	VI.	II.	.....	General.
„ Assignment of such—by Pensioners declared null and void.	„	III.		
„ Application of Act excepted in certain cases.....	„	IV.		
Prince of Wales' Island—Duty on Arrack or Asiatic Rum, imported into. (See Duty.)				
R.				
Regulation V. of 1809 ..... (Bengal Code.)				
„ VIII. of 1813 ..... (Bengal Code.)				
„ I. of 1822—Sec. VI. of — (Bengal Code.)				
„ IX. of 1822 ..... (Bengal Code.)				
„ VIII. of 1829 ..... (Bengal Code.)				
„ II. of 1829 ..... (Madras Code.)				
„ XII. of 1832 .... (Madras Code.)				
„ XI. of 1827—Sec. IV. of—rescinded. ..... (Bombay Code. ...)	I.	I.		
(See Foreign Territories.)				
„ IV. of 1797—Sec. XI. of— (Bengal Code.)				
„ VII. of 1803—Sec. XXXV. of— ..... (Bengal Code.)				
„ XVII. of 1817—Clauses 2nd, 3rd, and 4th, Sec. XII. of— ..... (Bengal Code.)				
„ VII. of 1802—Sec. XXXV. of— ..... (Madras Code.)				
„ II. of 1807—part of Clause 1st, Sec. III. of— ..... (Bengal Code.)				
„ XVII. of 1817—part of Secs. IX. and X. of — (Bengal Code.)				
„ VI. of 1811—part of Sec. III. of— ..... (Madras Code.)				
„ II. of 1822—part of Secs. V. and VI. of— ..... (Madras Code.)				

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1849.			
Regulation XIV. of 1827— } Bombay part of Chapter II. of— ... } Code. and all Regulations authorizing the practice of branding or publicly exposing Convicts, rescinded. ..... (See Convicts, Branding and Tusheer.)	II.	I.		
„ XII. of 1814—Bengal Code repealed.	VI.	I.		
„ II. of 1802—Section XXVI. of—Bengal Code, repealed.	XI.	I.		
„ II. of 1827—Section XXXVI. of—Bombay Code, amended.....	XII.	III., IV.		
„ X. of 1819—Section XXXVI. to XLVII. of— ..... } Bengal Code made applicable within Calcutta, and on the River Hooghly..... „ IV. of 1832—	XIII.	VI.		
„ XVIII. of 1827—Clause 1st, Section VI. of—Bombay Code, repealed. ..... (See Stamped Materials.)	XV.	I.		
Rum—Asiatic—imported into Straits Settlement. (See Duty.)				
S.				
Salt—Governor of Bengal may establish Chokies for preventing the smuggling of—into the Town of Calcutta within the local jurisdiction of the Supreme Court, and place such Chokies under a Superintendent.	XIII.	I.	.....	Calcutta.
„ The Superintendent may appoint Darogahs, and other Officers who shall be styled "Officers of Salt Chokies.".....	„	II.		
„ Import of—into the Town of Calcutta, in excess of 10 Seers and the storing thereof in quantities exceeding one Maund prohibited, except under a Pass or Charchittee.....	„	III.		
„ Found within the said Town or upon the River Hooghly in contravention of this Act shall be deemed contraband and liable to confiscation.	„	IV.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1849.			
Salt—Excess of quantity more than what is covered by a Rowannah shall be deemed contraband, and if the excess exceeds a certain proportion the whole shall be liable to confiscation. Persons carrying such—how to be punished. The excess how to be calculated.	XIII.	V.		
„ Sections XXXVI. to XLVII. Regulation X. 1819 and provisions of Regulation IV. 1832—Bengal Code, regarding Rowannahs, made applicable within Calcutta and on the River Hooghly....	„	VI.		
„ Vessels, packages and coverings containing contraband—and the animals and conveyances carrying it, shall also be liable to confiscation.....	„	VII.		
„ Penalty for persons in possession of contraband—	„	VIII.		
„ Superintendent of Chokies and other authorized Officers may detain persons carrying contraband—and may seize also the Salt, &c.....	„	IX.		
„ Power of the Superintendent to enter into any place where contraband—may be stored and to carry away the same, and to arrest persons suspected to be concerned in the storing thereof.	„	X.		
„ Constables and other Officers of the Peace shall help the Superintendent and other authorized Officers in the execution of this Act. Penalty for Officers refusing to help.	„	XI.		
„ The facts of such seizure to be placed on record by the Superintendent. Seizures made by Subordinate Officers to be reported to the Superintendent within 24 hours.	„	XII.		
„ Penalty for persons giving false information against persons for importing or transporting or in respect of storing in contravention of this Act.	„	XIII.		
„ Penalty for persons obstructing the Superintendent or the authorized Officers in the execution of this Act, and additional penalty if an affray or breach of the peace shall happen in consequence.	„	XIV.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1849.			
Salt—Penalty for Officers empowered to make seizures, delaying to carry persons arrested or the illicit articles seized, to the Superintendent, or neglecting to report the particulars thereof within 24 hours.	XIII.	XV.		
„ Penalty for Officers vexatiously or unnecessarily seizing goods or persons....	„	XVI.		
„ Penalty for Officers conniving at the smuggling of—or releasing or conniving at the escape of persons arrested or evading the provisions of this Act.	„	XVII.		
„ Penalty for Officers receiving unauthorized gratuities and for persons offering a bribe.....	„	XVIII.		
„ Proceeding to be adopted by the Superintendent after the arrest of persons or seizure of contraband—The Superintendent may release persons or property, when he considers such persons or property improperly arrested or seized.	„	XIX.		
„ Seizures of—and Chattels to be heard and determined by a Justice of the Peace, and upon confiscation shall issue his warrant to the Superintendent for the disposal thereof.....	„	XX.		
„ What course to be taken for the disposal of confiscated goods when no claimant appears within one calendar month.	„	XXI.		
„ Fines to be adjudged by a Justice of the Peace, and the said Justice shall within a limited period summon the parties accused and examine into the matter. Fines shall be commutable to imprisonment in default of payment....	„	XXII.		
„ Repetition of offences how punishable.	„	XXIII.		
„ Fines levied how to be disposed of. If no fines are realized Officers and Informers how to be rewarded.	„	XXIV.		
„ Fines, the disposal of which is not provided for, shall belong to Government; but the Board of Customs, Salt				

and

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
	1849.			
and Opium may grant a portion thereof to informers or to injured parties.	XIII.	XXV.		
Salt—Writs of *Certiorari* shall not affect any information or judicial proceeding before any Justice of the Peace; and no judgment shall be quashed except for error.	,,	XXVI.		
,, The Board may call for proceedings and direct the seizure or part thereof to be restored, and remit or mitigate the penalty of parties.	,,	XXVII.		
,, Limitation of the period for the commencement of any action against the Superintendent or any other Officer, and notice thereof to be given within one month. Tender of sufficient amends before or of money after the action shall prevent the plaintiff from recovering damages.	,,	XXVIII.		
,, Definition of the term Alimentary Salt.	,,	XXIX.		
Sedition. (See Military or Naval Officers.)				
Singapore—Duty on Arrack or Asiatic Rum imported into—(See Duty.)				
Smuggling of Salt into Calcutta. (See Salt.)				
Spirits. (See Abkaree.)				
Stamped Materials—Law respecting the use of—in the Bombay Presidency, amended by repealing Clause 1st, Section VI. Regulation XVIII. of 1827, Bombay Code.	XV.	I.		
Statutes—Part of Clause CLIX. Chapter LII. of the—passed in the 33rd year of King George the Third, as relates to the sale of Arrack or other Spirituous Liquors within the Town of Calcutta, repealed.	XI.	I.		
Sudder Adawlut—Authority of the—to remain unimpaired notwithstanding its removal to the Island of Bombay.	XII.	I.	.....	Bombay.
,, The Acts and Orders of the—not questionable in the Supreme Court further than if the Court were held in the nearest Zillah.	,,	II.		

	Act.	*Section.*	*Clause.*	*Territorial Scope of the Acts.*
T.				
Tampering with the Army or Navy. (See Military or Naval Forces.)				
Tusheer—Public exposure of Convicts by—abolished.	II.	II.	.....	General.
U.				
Union Bank of Calcutta—Legalizing an agreement entered into between the Creditors of the—and the Executive Committee of the said Bank which suspended payment in 1847, the same containing certain arrangements and conditions for an amicable adjustment of its debts according to a Schedule of Assessment.	III.	I.	.....	Calcutta.
„ Payment of the sum assessed shall be a bar to all legal proceedings taken by Creditors after executing the agreement against Shareholders who shall have paid their shares of contribution.	„	II.		
„ The agreement not to affect Creditors who shall not have executed the agreement, nor to prevent Creditors who have executed the agreement from taking legal steps against persons who shall not have paid their contributions.....	„	III.		
„ Any Writ of *Scire Facias* issued or suits commenced against any Shareholder before payment of his assessment may be prosecuted and continued afterwards if the Suitor chooses so to do....	„	IV.		
„ Schedule of Assessment to be filed within one month in the Office of the Record-keeper of the Supreme Court as an evidence of the sums assessed against persons therein named.	„	V.		
Copy of agreement annexed to the Act.				

J. C. SHERRIFF, BENGAL MILITARY ORPHAN PRESS.

ACT No. I. OF 1849.

Passed by the Hon'ble the President of the Council of India in Council on the 27th January, 1849.

An Act to provide more effectually for the punishment of offences committed in Foreign States.

WHEREAS divers Regulations of the Bengal, Madras and Bombay Codes have been made, from time to time, for the trial of Native Subjects of the British Government, committing criminal offences beyond the limits of the British Provinces, and it is expedient to make the same more effectual and uniform, and to extend the application thereof, It is enacted as follows:

I. The undermentioned Regulations and parts of Regulations are rescinded, that is to say:

Regulation V. of 1809, Regulation VIII. of 1813, Section VI. of Regulation I. and the whole of Regulation IX. of 1822, and Regulation VIII. of 1829, of the Bengal Code; Regulation II. of 1829, and Regulation XII. of 1832, of the Madras Code; Section IV. of Regulation XI. of 1827, of the Bombay Code; except so far as any of them rescinds any former Regulation.

II. All

II. All subjects of the British Government, and also all persons in the Civil or Military Service of the said Government, while actually in such service, and for six months afterwards, and also all persons who shall have dwelt for six months within the British Territories under the Government of the East India Company, subject to the laws of the said Territories, who shall be apprehended within the said Territories, or delivered into the custody of a Magistrate within the said Territories, wherever apprehended, shall be amenable to the law for all offences committed by them within the Territory of any Foreign Prince or State; and may be bailed or committed for trial as hereafter provided, on the like evidence as would warrant their being held to bail or committed for the same offence, if it had been committed within the British Territories.

III. The committing Magistrate, immediately, and before the trial, shall report every such case to the Government, and shall obey the orders which he shall receive thereon.

IV. The Government may order the trial to be had before one of the established Courts of Criminal Judicature, which would be competent to try the person charged for the offence, if it had been committed within the British Territories.

V. When the offence is charged to have been committed in the Territory of any Foreign Prince or State, administered by Officers acting under the authority the East India Company, in which Territory a Court, competent to try the person charged for the offence, is established by authority of the Governor General of India in Council, the Government may order such person to be conveyed in custody, out of the British Territories, for the purpose of delivering him up for trial before such Court.

VI. When the person charged is committed, the form of the warrant shall specify the commitment to be until the orders of Government can be received and acted on; when he is bailed, the form of the bail-

bond

bond shall be, in the first instance, to appear before the Magistrate on a certain day assigned, allowing reasonable time for receipt of the orders of Government, and on such subsequent days as the Magistrate from time to time shall require; and if Government shall order the person charged to be tried within the Presidency, the Magistrate may cause the bail-bond to be renewed in the usual form, to appear and take his trial at the Court appointed for the purpose.

VII. In either case, the special order of the Government shall be deemed full authority, either for the trial and punishment of the person charged within the British Territories, or for conveying him in custody, out of the British Territories, as aforesaid.

VIII. The word 'Government' as used in the third and following Sections of this Act, means the Governor or Governor in Council or other person or persons having Supreme executive authority in the Presidency or Place to which the committing Magistrate belongs.

IX. The authority hereinbefore given to the Government may be also exercised by any Commissioner or other person acting in the Civil Service of the East India Company, to whom the Governor General in Council shall have delegated authority to receive reports and give orders in cases within this Act.

Calcutta, 1849:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. II. OF 1849.

Passed by the Hon'ble the President of the Council of India in Council on the 27th January, 1849.

To abolish the practice of branding and exposing Convicts.

WHEREAS it is thought fit to abolish wholly the practice of branding and publicly exposing Convicts throughout the Territories under the Government of the East India Company, It is enacted as follows:

I. Section XL. Regulation IV. 1797, Section XXXV. Regulation VII. 1803, and Clauses Second, Third and Fourth, Section XII. Regulation XVII. 1817, of the Bengal Code, Section XXXV. Regulation VII. 1802, of the Madras Code, and so much of Clause First, Section III. Regulation II. of 1807, and of Sections IX. and X. Regulation XVII. of 1817, of the Bengal Code, so much of Section III. Regulation VI. of 1811, and Sections V. VI. Regulation II. of 1822, of the Madras Code, and all other Regulations or parts of Regulations, in force, directing that any convicted offenders shall have any indelible mark made upon their foreheads, or on any part of their persons, or authorizing any sentence of public exposure, commonly called Tusheer, and so much of Chapter II. Regulation XIV. of 1827, of the Bombay Code, as authorizes any sentence of public disgrace, are rescinded.

II. After

II. After the passing of this Act it shall not be lawful for any Court or Magistrate, within the Territories under the Government of the East India Company, to order that any brand or indelible mark, of any kind, be made or renewed on any part of the person of any convicted offender, or to sentence any offender to be publicly exposed by Tusheer, or to any other degrading exposure.

Calcutta, 1849:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. III. OF 1849.

Passed by the Hon'ble the President of the Council of India in Council, on the 10th February, 1849.

An Act to comfirm an Agreement between certain Shareholders and Creditors of the Union Bank of Calcutta.

WHEREAS by Act XXIII. 1845, certain persons, therein declared to have formed themselves into a Company or Co-partnership by the name of "The Union Bank of Calcutta," and those who should thereafter become Members and Proprietors of the said Union Bank, were enabled to sue, and to be sued, at law and in equity, in the name of the person who should be the Secretary or the Treasurer of the said Bank, for the time being, and certain provisions are therein contained for the recovery of debts and demands due by the said Co-partnership:

And whereas a Memorial has been presented to the Governor General of India in Council, signed by Thomas Charles Morton, Esquire,—Henry Burkinyoung, Esquire,—Jeremiah James Homfray, Esquire,—and Baboo Prosunnocoomar Tagore,—all therein described as Members of the Executive Committee of Management of the said Union Bank, and also by certain persons, therein described as Members of the Committee of Creditors of the Union Bank,—that is to say, Charles Hogg, Esquire, therein described as constituted Attorney for Glyn, Halifax, Mills and Company,

Company,—by Henry Cowie, Esquire,—and by Thomas Seddon Kelsall, Esquire,—setting forth that the said Joint Stock Banking Company, or Union Bank of Calcutta suspended payment about the close of the year 1847 and that the remaining assets of the said Bank are insufficient to satisfy the outstanding debts and liabilities: that several Creditors of the Bank have obtained judgment against the public Officer under the said Act XXIII. 1845, and the assets of the Bank being insufficient, certain of the said judgments are put in suit against individual Shareholders: and that the Memorialists fear that, unless some mutually satisfactory arrangement can be immediately made between the Creditors and the Shareholders, an enormous sacrifice of property will speedily take place, and a great number of persons be involved in utter ruin; that many of the creditors are willing to agree with the Shareholders, and to give as complete a discharge as the law will allow, to those Shareholders who will pay such reasonable sums of money as have been assessed on them respectively, on account of the said debts and liabilities, by a Committee of Creditors, appointed at a public meeting of the Creditors, provided that such discharge do not work a release or otherwise affect their claims, in respect of the said debts and liabilities, against other persons liable to make good the same, who shall refuse or neglect to pay the sums, so assessed on them respectively; and that many of the said Shareholders are willing to pay the sums so assessed on them, provided that they may be thereby secured from all proceedings at law or in equity, in respect of the said debts and liabilities, at the suit of any Creditor who shall have executed such agreement as aforesaid, and accepted any payment out of the sums so contributed; that doubts have been entertained of the legal effect of such an agreement and discharge: and praying, therefore, that the effect of it may be established and defined by authority of the Governor General of India in Council, without prejudice to the rights of any Creditor of the said Bank executing the same, against any present or past Shareholder of the said Bank, who shall not have paid up, in the manner

ner prescribed by the said agreement, the full amount of the sum assessed on him or her as aforesaid, or to the rights of any Creditor who shall not execute the same, It is declared and enacted as follows:

I. The agreement of which a copy is annexed to this Act, being the agreement referred to in the said Memorial, shall be of full force as between those Creditors of the said Union Bank who shall execute the same, and those persons named in the Schedule hereinafter mentioned, and in the said agreement described as the Schedule thereunto annexed, marked A, being the Schedule of Assessment or Contribution toward the liquidation of the debts of the said Bank, who shall, in the manner mentioned in the said agreement, pay the several sums at which they are severally assessed in the said Schedule of Assessment; but shall be of no force to affect the rights or liabilities or any persons other than such as are party or privy thereunto, or the rights or liabilities of the persons named in the said Schedule, as against each other.

II. If any Creditor of the said Bank, who shall have executed the said agreement, shall thereafter sue out any Writ of *Scire Facias*, or take any other proceeding at law or in equity, on account of any debt or liability of the said Union Bank, against any person named in the said Schedule of Assessment, who shall have paid in the manner mentioned in the said agreement the full sum at which he or she is assessed in the said Schedule of Assessment, the execution of the said agreement by such Creditor, and payment of the said Assessment by the person against whom such Writ or other proceeding shall be sued out, or taken, may be pleaded in bar thereof; and all costs incurred by any such defendant in resisting such Writ or proceeding shall be paid by the Creditor at whose suit the same shall have been sued forth or instituted.

III. If any Creditor of the said Bank, who shall not have executed the said agreement, shall sue out any Writ of *Scire Facias*, or take any other

other proceeding at law or in equity, on account of any debt or liability of the said Union Bank, against any person liable to make good the same or any part thereof; or if any Creditor of the said Bank, who shall have executed the said agreement, shall sue out any Writ of *Scire Facias*, or take any other proceeding at law or in equity, on account of any debt or liability of the said Union Bank, against any person liable to make good the same, or any part thereof, who shall not pay in the manner mentioned in the said agreement the full sum at which he or she is assessed in the said Schedule of Assessment, the said agreement shall not be pleadable to such Writ or proceeding, nor shall the contents thereof be received in evidence, in any court of law or equity, in any proceeding had for the recovery of such debt or liability from any such person.

IV. Provided always, that nothing, hereinbefore contained, shall be construed to prevent any Writ of *Scire Facias*, which shall have been issued, or any action or suit which shall have been actually commenced against any Shareholder, before payment of his Assessment, from being prosecuted and continued afterwards, if the party instituting such proceeding, chooses so to do.

V. Within one month after the passing of this Act, a copy of the said Schedule of Assessment, signed by the said Thomas Charles Morton, Henry Burkinyoung, Jeremiah James Homfray, Prosunnocoomar Tagore, Charles Hogg, Henry Cowie, and Thomas Seddon Kelsall, shall be filed and enrolled among the Records of Office of the Record Keeper of the Supreme Court of Judicature at Fort William in Bengal; and the Schedule so filed shall be deemed the Schedule referred to by this Act, and by the said agreement, and shall be conclusive evidence of the amounts severally assessed against the persons named therein, according to the true intent and meaning of this Act

ACT No. III OF 1849.

Copy of Agreement.

We, the undersigned, Creditors of the Union Bank of Calcutta, hereby undertake and promise, upon payment, by the Executive Committee of the said Union Bank, of an immediate first dividend of twenty-five (25) per cent. upon our respective claims, to accept the Schedule hereunto annexed, marked A, (which has been framed by a Committee of Creditors of the Bank) as the Schedule of Assessment or Contribution towards the liquidation of the debts of the said Bank, of the several Shareholders, past and present, therein named; and we promise and agree not to sue out any Writ of *Scire Facias* against, or otherwise to molest the person or property of any Shareholder or Shareholders of the said Union Bank, named in the said Schedule, who shall pay up the full sum placed opposite his or her name in the said Schedule, as and for his or her Assessment or Contribution as aforesaid. Provided, however, that nothing herein contained, shall be construed to protect any of the said parties from being proceeded against, unless and until he shall have actually paid his said Assessment in full, nor to prevent any Writ of *Scire Facias* which shall have been issued, or any action or suit which shall have been actually commenced against any Shareholder, before payment of his Assessment from being prosecuted, and continued afterwards, if the party instituting such proceeding chooses so to do. Provided, further, that if any Shareholder in the said Schedule named, shall not have paid or given security to the Executive Committee of the said Bank, certified by them to be sufficient, for the payment of his Assessment, within three months from this date, if he be resident in India, or within five months, if resident out of India, the same shall be increased ten per cent; and that a further per-centage of the like amount shall be added after every succeeding period of three months, during which the same shall remain unpaid or unsecured. Provided also, that the said Executive Committee, of the said Bank, do engage to pay, from time to time, such further dividends upon our respective claims, until full satisfaction thereof, respectively, as the sums realized

from

from the said contribution shall enable them to do ; and whenever the realization shall amount to ten per cent. upon the remaining claims, to declare and pay a new dividend at that rate. Provided always, and it is hereby expressly declared and agreed, that we, the undersigned, reserve, to ourselves, all our rights and remedies whatsoever, against the assets of the said Bank, legal and equitable, and against all Shareholders, present and past, not paying up the full amount of their said Assessments, respectively, as aforesaid: In witness whereof we have hereunto set our respective hands, this twenty-fifth day of September, in the year of Christ, one thousand eight hundred and forty-eight.

Calcutta, 1849 :—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. IV. OF 1849.

Passed by the Hon'ble the President of the Council of India in Council, on the 10th February, 1849.

An Act for the Safe Custody of Criminal Lunatics.

WHEREAS it is expedient to declare what unsoundness of mind excuses the commission of criminal acts, and to provide for the safe custody of persons found to have committed such acts, but acquitted by reason of unsoundness of mind, It is enacted as follows:

I. No person, who does an act which, if done by a person of sound mind, is an offence, shall be acquitted of such offence for unsoundness of mind, unless the Court or Jury, as the case may be, in which, according to the constitution of the Court, the power of conviction or acquittal is vested, shall find that, by reason of unsoundness of mind, not wilfully caused by himself, he was unconscious, and incapable of knowing, at the time of doing the said act, that he was doing an act forbidden by the Law of the land.

II. Whenever a person charged with any offence shall be acquitted, because he is within the exception made by the foregoing Section, the

the Court or Jury shall give a special judgment or verdict, that he did the act charged against him, being then of unsound mind, so as to excuse him according to law.

III. Whenever such special judgment or verdict, as aforesaid, shall have been given against any person, the court, before which the trial was had, shall order him to be kept in safe custody, in such place and manner as to the Court shall seem fit, until the pleasure of the Government can be known thereon: and thereupon the Government may order such person to be kept in strict custody, for such time and in such manner as to the Government shall seem fit.

IV. In all cases in which, before the passing of this Act, any person has been acquitted of any offence, on the ground of insanity, lunacy, idiocy, or unsoundness of mind, such person may be kept in the same strict custody in which persons may be kept, who shall be hereafter acquitted, for unsoundness of mind.

V. No person, against whom any such special judgment or verdict shall have been given, shall be entitled to be discharged out of custody on being restored to soundness of mind, unless by order and at the discretion of the Government.

VI. Whenever it shall appear to the Government that any person, imprisoned by the sentence of any Court, is of unsound mind, the Government, by a warrant which shall set forth the grounds of belief that such prisoner is of unsound mind, may order the removal of such prisoner to a Lunatic Asylum, or other fit place of safe custody, there to be kept and treated as the Government shall order; and, when it shall appear to the Government that such prisoner has become of sound mind, the Government, by a warrant directed to the person having charge of him, shall remand such prisoner to the prison from which he was removed, if then

then still liable to be kept in custody, or if not, shall order him to be discharged out of custody.

VII. The word 'Government' in this Act shall be taken to mean the Governor, or Governor in Council, or other person or persons administering the Government of the Presidency or place where the trial is had.

Calcutta, 1849:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. V. OF 1849.

Passed by the Hon'ble the President of the Council of India in Council, on the 3rd March, 1849.

An Act for better defining the Duties of Customs and Excise.

WHEREAS under the Regulations in force for taking a duty of twenty Spanish Dollars for each and every Leaguer of Arrack or Asiatic Rum imported into and intended for consumption within Prince of Wales' Island, Singapore and Malacca, doubts have arisen whether any duty may be taken on importation of a quantity less than a Leaguer, and it is expedient that such doubts be removed and that the meaning of all such or the like expressions in any Regulation or Act for the levy of Custom or Excise Duties within the territories under the Government of the East India Company be plainly declared, it is declared and enacted as follows:

I. Whenever by any Regulation or Act now or hereafter to be in force, not containing any direction to the contrary, a certain duty of Customs or Excise, or in the nature thereof, is leviable on any given quantity, by weight, measure or value, of any goods or merchandise, a like duty is leviable according to the same rate on any greater or less quantity.

Calcutta, 1849:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. VI. OF 1849.

Passed by the Hon'ble the President of the Council of India in Council, on the 17th March, 1849.

For securing Military and Naval Pensions and Superannuation Allowances.

WHEREAS it is expedient to consolidate and extend the operation of the law, as to the exemption of Military and Naval Pensions, and other Superannuation Allowances, from seizure under process of law, It is enacted as follows:

I. Regulation XII. 1814 of the Bengal Code, and Act XXXI. 1845, are repealed.

II. The reduced pay or pension, however called, of any Invalid Officer, Soldier, Sailor or Retainer of the Army or Navy, in the Military or Naval Service of the East India Company, and also any monthly or yearly pension, or pecuniary allowance to any person, in consideration of past services and present infirmities, or old age, granted by authority of the Governor General in Council, or of the Governor or Governor in Council, or Lieutenant Governor, of any Presidency or Place within the Territories under the Government of the East India Company; and also the

the pension of any Out-Pensioner of Chelsea or Greenwich Hospital, granted by authority of the Commissioners of Chelsea or Greenwich Hospital respectively, and also all money due or to become due on account of any such pension or allowance, shall be exempt from seizure, attachment or sequestration by process of any Court within the said Territories, at the instance of a Creditor, for any demand against the Pensioner, or in satisfaction of a decree or order of any such Court.

III. All assignments, agreements, orders, sales and securities of every kind made by any such Pensioner, in respect of any money not payable at or before the making thereof, on account of any such pension, or for giving or assigning any future interest therein, are null and void.

IV. This Act shall not apply to any process of any Court established by Royal Charter, issued out of such Court before the passing of this Act, or to any assignment, agreement, order, sale or security by any such Pensioner, made before the passing of this Act in respect of a Chelsea or Greenwich pension, or a pension or allowance granted in the Presidency of Madras; or before the 27th December 1845, in respect of a pension or allowance granted in the Presidency of Bombay; or before the 27th May 1814, in respect of a pension or allowance granted in the Presidency of Bengal.

Calcutta, 1849:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. VII. OF 1849.

Passed by the Hon'ble the President of the Council of India in Council, on the 7th April, 1849.

An Act for the appointment of an Administrator General in Bengal.

WHEREAS it is expedient to disconnect the Administration of the Estates of British Subjects dying intestate in the Presidency of Fort William in Bengal from the Office of Ecclesiastical Registrar of the Supreme Court, and to appoint an Administrator General there; It is enacted as follows:

I. Whenever, after the passing of this Act, any British Subject shall die intestate within the Presidency of Fort William in Bengal, or the Territories which are or shall be subordinate to the said Presidency, and on the return of the citation issued from the proper Ecclesiastical Court, no next of Kin shall appear, and make out their claim to the Administration of the Effects of the deceased to the satisfaction of the said Court, and also, whenever the Executor or Executors, appointed by the Will of any British Subject dying therein, shall refuse to prove the Will, the Administrator General created by this Act shall, except in the case hereinafter excepted, apply for, and the said Court shall grant to him, instead of the Ecclesiastical Registrar, such Letters of Administration or *Ad Colligenda Bona* as to such Court shall seem meet; by virtue whereof the

the said Administrator General shall collect the assets of the deceased, and account for them as herein provided.

II. All Letters of Administration or *Ad Colligenda Bona*, granted to the Ecclesiastical Registrar of the Supreme Court,—and all Probates, granted to such Officer, of Wills, appointing the Ecclesiastical Registrar of the Supreme Court, by that description, or him and his successors, Executors thereof,—and all Estates, Effects and Interests, vested in the said Ecclesiastical Registrar by virtue thereof; and all Books, Papers and Documents belonging to him or in his possession, or under his control by virtue of such Letters or Probates, shall, by this Act, and without other grant, be transferred to the Administrator General by this Act created; who shall be, to all intents and purposes, such Administrator, Executor, or Grantee, in his new character of Administrator General, as the Ecclesiastical Registrar of the Supreme Court was; and shall have all the same powers as the said Ecclesiastical Registrar might exercise at the time of the passing of this Act, as such Administrator, Executor, or Grantee.

III. The Ecclesiastical Registrar at the time of the passing of this Act shall be the first Administrator General, and upon the passing of this Act shall cease to be Ecclesiastical Registrar; and as such Administrator General shall be entitled to receive or retain all Commissions to which he was entitled as Ecclesiastical Registrar at the time of the passing of this Act on any such grants as aforesaid.

IV. On all future vacancies of the Office, the Administrator General shall be appointed by the Governor General of India in Council.

V. After the passing of this Act, the Administrator General shall not be deemed, in that capacity, an Officer of the said Supreme Court, and shall not be otherwise accountable to it than any ordinary Executor, Administrator, or Grantee of Letters *Ad Colligenda Bona*, as the case may be.

VI. Every

VI. Every Administrator General shall give Security, by bond, to the East India Company, himself for One Lakh of Rupees, with two or more Sureties, jointly and severally, for another Lakh of Rupees, for the due execution of his said Office; and shall not be required by the said Supreme Court to enter into any Administration Bond, or to give other Security to that Court on the grant of any such Letters as aforesaid.

VII. The Administrator General shall receive,—for the discharge of his duties as such Administrator General, under all such grants of Letters as aforesaid made, after the passing of this Act, or on Probates of Wills, so granted, after the passing of this Act, wherein he is named Executor, by virtue of his Office,—instead of the Commission heretofore received by the Ecclesiastical Registrar, a Commission calculated after the rate of Three Rupees in every Hundred Rupees, which he shall actually distribute, or which he shall set apart and invest as herein provided, for the benefit of the parties ultimately entitled thereto, if the same are not immediately payable; and, out of the said Commission of Three Rupees in the Hundred, shall defray the expenses of the necessary Establishment, and all other charges, to which the said Office may be subject.

VIII. No person, other than the Administrator General, shall be entitled to charge any Commission or Agency, as Executor of any Will, of which Probate shall have been granted in the said Presidency after the passing of this Act, or as Administrator of any Effects whereof Administration shall have been granted in the said Presidency after the passing of this Act: but this enactment is not to be deemed to hinder any Executor from having the benefit of any legacy bequeathed to him, either of a specific sum or residuary bequest, or by way of Commission, or in any other manner.

IX. The Assets belonging to the Estates administered by the said Administrator General shall be kept by him in the Treasury of the East India

India Company, or otherwise kept and invested by him, in such manner as the Governor General of India in Council shall from time to time order; which order shall be published in the *Calcutta Gazette*, and shall be full authority, protection and indemnity in all Courts whatsoever for such keeping and investing.

X. The said Administrator General shall enter into Books, to be kept by him for that purpose separate and distinct accounts of each Estate, and of all such sums of Money, Bonds and other Securities for Money, Goods, Effects and Things, as shall come to his hands or to the hands of any person employed by him, or in trust for him under this Act; and likewise of all payments made by him on account of the said Estates and of all debts due by or to the same, specifying the dates of such receipts and payments respectively; which said Books shall be kept in the Administrator General's Office, and shall be open for the inspection of all such persons, practitioners in the said Court and others, as may have occasion to inspect the same, at office hours; paying only such reasonable fee as may be, from time to time, fixed therefore, by the Governor General of India in Council and published in the *Calcutta Gazette*.

XI. The Administrator General shall twice in every year, that is, on the First day of March and on the Tenth day of August, or on the First day on which the said Court shall be sitting after those days, exhibit and deliver, in open Court, a true Schedule, shewing the gross amount of all sums of Money received or paid by him, on account of each Estate in his charge, and the balances, during the period of six months ending severally on the Thirty-first day of December and Thirtieth day of June next before the day of delivering such Schedule; and a true list of all Bonds or other Securities received on account of each of the said Estates during the same period; and also a true Schedule of all Administrations whereof the final balances shall have been paid over to the persons entitled to the same, during the same period,—specifying the amount of such balances,

balances, and the persons to whom paid; which Schedules shall be filed of record in the said Court, and shall, within fourteen days afterwards, be published in the *Calcutta Gazette* by the said Administrator General; and copies thereof in triplicate shall be delivered to the Secretary of the said Presidency, and sent by the Governor of the said Presidency to the Court of Directors of the East India Company for publication in the *London Gazette*.

XII. The Governor General of India in Council, shall, from time to time, appoint an Auditor or Auditors to examine the Accounts of the Administrator General at the time of the delivery of the said Schedules, and also at any other time when the Governor General of India in Council shall think fit.

XIII. The Auditor or Auditors shall examine the Schedules and Accounts, and report to the said Governor General of India in Council whether they contain a full and true account of every thing which ought to be inserted therein, and whether the Books, by this Act directed to be kept by the Administrator General, are duly and regularly kept, and whether the Assets are duly kept and invested in such manner as is by law prescribed.

XIV. Every Auditor shall have power to summon as well the Administrator General as any other person or persons whose presence he may think necessary, to attend him from time to time; and to examine the Administrator General or other party or parties if he shall think fit on Oath or Solemn Affirmation to be by him administered; and to call for all Books, Papers and Documents which may appear to him to be necessary for the purposes of the said reference: and if the Administrator General, or other person or persons when summoned shall refuse or without reasonable cause neglect to attend, or to produce any Books, Papers or Documents required, or shall attend and refuse to be sworn or make a Solemn Affirmation when by law an Affirmation may be substituted for

an Oath, or shall refuse to be examined, the Auditor or Auditors shall certify such neglect or refusal in writing to the Supreme Court of Judicature at Fort William in Bengal; and every person so refusing or neglecting shall thereupon be punishable, in like manner as if such refusal or neglect had been in contempt of the said Supreme Court.

XV. The costs and expenses of preparing and publishing the said Schedules and copies thereof and of every such reference and examination shall be defrayed proportionably by all the Estates, the Accounts of which are then under examination, which costs and proportions shall be ascertained and settled by the Auditor or Auditors, subject to the approval of the Governor General of India in Council, and shall be paid out of the said Estates, accordingly, by the Administrator General.

XVI. If upon any such reference and examination the Auditor or Auditors shall see reason to believe that the said Schedules do not contain a true and correct account of the matters therein, or which ought to be therein contained, he or they shall report accordingly to the Governor General of India in Council, specifying the substance of the objections thereto.

XVII. The Governor General of India in Council shall refer every such report, as last aforesaid, to the consideration of the Advocate General of the East India Company in Bengal, who shall thereupon, if he shall think fit, proceed summarily, by petition, for an account against the said Administrator General, or against the late Administrator General, after his removal from Office, or against his personal representatives in case of his death, in respect of all or any of the Estates then or formerly under his care as the said Advocate General shall think fit; and shall have power to exhibit interrogatories to the said Administrator General, or other person or persons defendants, who shall be bound to answer the same as fully as if the same had been contained in a Bill filed for the like purpose;

pose; and the Court shall have power, on any such petition filed, to examine orally the parties before it and all witnesses, or to refer the Accounts to be taken in the ordinary way.

XVIII. The costs of the reference and examination, and those of the Advocate General, when such are directed to be paid, shall be defrayed either by the defendant or defendants, in case he or they shall be decreed to pay the costs, or out of the Estates ratably as the said Court shall direct; and whenever the costs of any reference and examination shall be recovered from the defendant or defendants, the same shall be repaid to the Estates by which the same were in the first instant contributed, and the Court shall have power to order the Administrator General, or other person or persons defendants, to receive his or her costs out of the said Estates if it shall think fit.

XIX. The said Court shall have power on such petition to make such original and subsequent orders as upon a Bill filed; and such Orders shall have the same effect, and be executed in the same manner as Decretal Orders.

XX. Whenever any British Subject shall die within the said Presidency intestate, and Letters of Administraton to his or her Effects shall not be taken out for three months after the death, and the Administrator General shall be satisfied that such Effects do not exceed in the whole Five Hundred Rupees, he may, if he shall think fit, grant, —to any person claiming to be entitled to a principal share of the Effects of the deceased,—Certificates under his hand, entitling the claimant to receive the sums or securities for Money therein severally mentioned belonging to the Effects of the deceased, to the value of any sum not exceeding in the whole Five Hundred Rupees.

XXI. The Administrator General shall not be bound to grant any such Certificate, unless he is satisfied of the title of the claimant, and of the

the value of the Effects of the deceased, either by the Oath or Affidavit of the claimant, or by such other evidence as he shall require.

XXII. Any such Certificate, with a receipt annexed, under the hand of the person to whom the Certificate is granted, shall be a full receipt and discharge for payment or delivery to him or her of the Money or Security for Money therein mentioned, with respect to the claim of any other person upon the person paying or delivering the same: but any next of Kin or representative or creditor of the deceased shall have remedy for recovery thereof against the person receiving the same.

XXIII. The Administrator General shall not be bound to take out Letters of Administration to the Effects of any deceased person on account of whose Estate he shall grant any such Certificate, but may do so, if he shall discover any fraud or misrepresentation made to him, or that the value of the Estate exceeded Five Hundred Rupees.

XXIV. For every such Certificate the Administrator General shall be entitled to charge a fee calculated after the rate of Three Rupees in the Hundred on the amount mentioned in the Certificate.

XXV. Every person who, having been sworn, or having taken a Solemn Affirmation under this Act, shall wilfully give false testimony upon any examination authorized by this Act, shall be deemed guilty of perjury, and, if convicted thereof, shall be liable to fine and imprisonment, or to fine or imprisonment, which imprisonment may be at the discretion of the Court, with or without hard labor, and may extend to two years.

Calcutta, 1849:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. VIII. OF 1849.

Passed by the Hon'ble the President of the Council of India in Council, on the 12th May, 1849.

An Act for assimilating the Penal Jurisdiction of Police Magistrates at Madras to that of Justices of the Peace at Calcutta.

WHEREAS it is expedient to apply the provisions of the Acts No. XXI. 1839 and No. III. 1842, to the Town of Madras, It is enacted as follows:

I. All powers given by Act No. XXI. 1839, or Act No. III. 1842, to any Justice of the Peace for the Town of Calcutta, for the trial and punishment of certain simple Larcenies and other Felonies within the Town of Calcutta, and of assaults on board of Merchant Ships in the River Hooghly, may be exercised by any Justice of the Peace, appointed to be a Police Magistrate for the Town of Madras, for the trial and punishment of the like Larcenies and Felonies within the Town of Madras, and the like assaults on board of any Merchant Ship in the Madras Roads.

II. In

II. In execution of the powers of the said Acts by any Police Magistrate for the Town of Madras, the said Acts shall be read as if the Town of Madras, and Supreme Court of Judicature at Madras, were severally mentioned therein instead of the Town of Calcutta, and Supreme Court of Justice at Calcutta; and as if the Madras Roads were mentioned therein instead of the River Hooghly or the mouths thereof.

Calcutta, 1849:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. IX. OF 1849.

Passed by the Hon'ble the President of the Council of India in Council, on the 12th May, 1849.

An Act for enabling one Police Magistrate to exercise in certain cases the powers of two Justices in the Presidency of Fort St. George..

WHEREAS it is expedient to apply the provisions of the Acts No. IV. 1835, No. I. 1837, and No. XXXII. 1838, to the Presidency of Madras, It is enacted as follows:

I. All powers whatever in Criminal cases, which by virtue of any law now in force may be exercised by two Justices of the Peace, or by two Police Magistrates within the Presidency of Fort St. George and places subordinate thereto, may be exercised by one Justice of the Peace appointed to be a Police Magistrate within the said Presidency.

II. Any one Justice of the Peace, appointed to be a Police Magistrate within the said Presidency, may issue a warrant of distress for the recovery of Arrears of Assessment accruing under the Act of Parliament 33 Geo. III. Cap. 52; and every such warrant shall have the same force as if it were under the hands and seals of two Justices.

Calcutta, 1849.—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. X. OF 1849.

Passed by the Hon'ble the President of the Council of India in Council, on the 26th May, 1849.

An Act for appointing a Commissioner of Revenue at Madras.

WHEREAS it is expedient that the Governor of Fort St. George in Council should be empowered to depute a Member of the Board of Revenue, to perform in any of the Districts of that Presidency all or any of the duties which, by the General Regulations and Laws of the Presidency, belong to the Board of Revenue collectively, It is enacted as follows:

I. The Governor of Fort St. George in Council may, from time to time, whenever he shall see fit, depute a Member of the Board of Revenue to perform alone, in any of the Districts of that Presidency, all or any of the duties which, by the General Regulations and Laws of the Presidency, belong to the Board of Revenue collectively.

II. When a special Commission shall be given to a Member of the Board of Revenue under this Act, the Member of the Board named therein

therein shall, by virtue thereof, be empowered to exercise, within the limits of his Commission, all the powers and duties which by Law are vested in the Board of Revenue collectively, without exception, or subject to any exceptions or restrictions which shall be prescribed in such Commission; and all Regulations and Acts concerning the Board of Revenue shall be deemed to apply to the said Commissioner within the limits of his Commission, and with regard to all things concerning the Revenues of the District included in it, so far as is necessary to give full effect to his Commission and to this Act.

III. Every such Commission shall be published in the *Fort St. George Gazette*, and the Commissioner shall enter on his Office from the date of such publication; and in like manner the revocation or other determination of any such Commission shall be published in the *Fort St. George Gazette*.

IV. The correspondence and other documents belonging to any such Commission shall be deposited, on the determination thereof, in the Office of the Board of Revenue, and shall be deemed Records of the said Board.

Calcutta, 1849:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XI. OF 1849.

Passed by the Hon'ble the President of the Council of India in Council, on the 11th August 1849, with the assent of the Most Noble the Governor General of India.

For securing the Abkaree Revenue of Calcutta.

FOR better securing the Abkaree Revenue of Calcutta, It is enacted as follows:

I. Act I. 1842, Act XXVI. 1845, Section 26, Regulation II. 1802, of the Bengal Code, and so much of Clause CLIX., of an Act of Parliament, numbered Chapter LII., of the Statutes passed in the Thirty-third Year of the reign of King George the Third, as relates to the sale of Arrack or other Spirituous Liquors, within the Town of Calcutta, and to the punishment of unlicensed Traders in Spirits or Spirituous Liquors, within the said Town, are repealed.

II. The collection of the Revenue arising from the retail sale of Spirituous or Fermented Liquors and intoxicating drugs, within the Town of Calcutta, shall be under the charge of the Collector of Calcutta; who shall perform the duties connected therewith under the controul of the Commissioner

Commissioner of Abkaree and the Board of Customs, Salt and Opium, and all proceedings of the Collector held under this Act, shall be subject, with or without appeal, to their revision.

III. The Collector may appoint Constables, Darogahs, Jemadars, Burkundauzes, and other Officers, for collection of the said Revenue and prevention of Smuggling; and the Officers so appointed, beside their ordinary respective designations, shall be styled "Abkaree Officers."

IV. Every person who shall sell, by retail, any Spirituous or Fermented Liquors or intoxicating drugs, hereinafter specified, within the Town of Calcutta, without a license for that purpose under the hand and seal of the Collector of Calcutta, shall be liable to a fine, not exceeding five hundred Rupees, for each sale: but this enactment shall not apply to wholesale dealers selling such small quantities of Beer, Wines or Spirits, as may appear to the Collector to be intended only as samples.

V. A sale of English or Foreign Beer, Wines or Spirits, in any quantity, not exceeding two gallons, or of Bengal Arrack or Rum or other country spirit in any quantity, not exceeding one seer, or of Tauree in any quantity, not exceeding four seers, or of Ganjah or Bhang or any preparation or admixture of the same, in any quantity, not exceeding one quarter of a seer, or of Churrus, Opium, Chundoo, or Muddut, or any preparation or admixture of the same, in any quantity, not exceeding the weight of five tolahs, shall be deemed a retail sale within the meaning of this Act.

VI. The sale of Bengal Arrack or Rum, or other country Spirit, or of Tauree, or of Ganjah, or Bhang, or any preparation or admixture of the same, or of Churrus, Opium, Chundoo, or Muddut, or any preparation or admixture of the same, in quantities larger than those specified for each Article in Section V. of this Act, is prohibited; and every person, who shall act in breach of this prohibition, shall be liable to the fine prescribed

prescribed in Section XV., for the illicit possession of these Articles: but this prohibition does not apply to the sale of Spirituous or Fermented Liquors and intoxicating drugs, imported into Calcutta, under passes from the Collector, or other Officer duly empowered in that behalf, and supplied by wholesale to licensed retail dealers, or to the sale of Bengal Rum under bond for exportation by Sea, or to the sale of Opium intended for exportation by Sea, and covered by a Certificate to that effect, issued under the authority of the Board of Customs, Salt and Opium.

VII. The Board of Customs, Salt and Opium shall have authority, at all times, to regulate the form of licenses to be granted under this Act, and to alter and add to the conditions thereof.

VIII. Every person taking out a license for the retail sale of Spirituous or Fermented Liquors, or intoxicating drugs under this Act, shall execute a counterpart engagement in exact conformity with the tenor of such license.

IX. Whenever a license shall be granted under this Act, the Collector shall be authorised to demand, in consideration of the privilege granted, such fee, tax or duty as may, from time to time, be fixed, with the sanction of the Board of Customs, Salt and Opium; and such fee, tax or duty, may be made payable in advance, or at such period as may be settled by the Collector.

X. The Collector may withhold or recall a license, if any such fee, tax or duty be not duly paid, according to the conditions upon which the license is granted, or in case of a breach of any of the other conditions thereof; or with the sanction of the Commissioner of Abkaree, for any other cause, giving one month's notice of such withdrawal; and any person selling, by retail, any Spirituous or Fermented Liquors, or intoxicating

ting drugs above specified, within the Town of Calcutta, whilst such license is withheld, or after it is recalled, shall be subject to all the penalties provided by this Act for the unlicensed sale of Spirituous or Fermented Liquors, or intoxicating drugs.

XI. Any licensed retail dealer may surrender his license on giving fifteen days' previous notice to the Collector, and paying a sum equal to the tax for that time, over and above the sum payable under the license.

XII. It shall not be lawful for the Justices of the Peace for the Town of Calcutta, to grant a license to open or establish or keep open any Hotel, Punch House, Boarding House, or any other House of public entertainment, within the Town of Calcutta, in which any Spirituous or Fermented Liquors or intoxicating drugs, above specified, may be sold, to any person who has not taken out a license for the retail sale of such Liquors and Drugs; and any such license, granted by any Justice of the Peace, shall become void whenever the license, for the retail of such Liquors and Drugs, granted to such person, is withheld or recalled by the Collector under this Act.

XIII. The Collector, after demand made in writing, may levy any arrear of tax or duty, due on account of any license granted under this Act, by distress and sale of the goods and chattels of the person from whom the same is due, provided that no such arrear shall be recoverable after the end of two years next after the same shall have become due, or next after an acknowledgment of the same in writing shall have been given by the person by whom the same is payable.

XIV. A breach of any of the conditions of a license granted under this Act, shall, beside entailing forfeiture of the license, be punishable by a fine not exceeding fifty Rupees; and such fine shall be recoverable from the licensed dealer notwithstanding that such breach may have been owing

owing to the default or carelessness of the servant or other person in charge of the shop.

XV. Any person, not being a licensed Dealer, having in his possession, and any person carrying within the Town of Calcutta, any greater quantity of Spirituous or Fermented Liquors, or intoxicating drugs above specified, or any preparation or admixture of the same except English and Foreign Beer, Wines and Spirits, than the quantity specified for each Article in Section V. of this Act, and not being protected by a pass or permit from the Collector, or other Officer duly empowered in that behalf, shall be liable to a fine, not exceeding five hundred Rupees, except in the case of Opium; and in the case of Opium, to a fine not exceeding the rate of sixteen Rupees for each seer found in the possession of, or carried by, such person; and if such last mentioned fine shall not amount to five hundred Rupees, such person shall be liable to a further fine, not exceeding such sum as shall make the total fine imposed amount to five hundred Rupees.

XVI. Beside the penalties above specified for the illicit sale, possession, and carrying of Spirituous or Fermented Liquors, or intoxicating drugs, all such liquors and drugs found in the possession of any offender against this Act shall be seized and confiscated; and the vessels, packages and coverings in which such liquors and drugs are found, and the animals and conveyances used in carrying them, shall also be liable to seizure and confiscation.

XVII. Any Abkaree Officer above the rank of a Peon or Chauprassy may enter and inspect at any time, by day or by night, and any Abkaree Officer may enter and inspect by day the house or shop in which any licensed Dealer shall carry on the sale of Spirituous or Fermented Liquors, or intoxicating drugs.

XVIII. Every

XVIII. Every person holding a license for the sale of Spirituous or Fermented Liquors, or intoxicating drugs shall keep such license at the house or shop specified in the license, and shall shew the license on the demand of any Abkaree Officer, who shall desire to see the same; and any licensed Dealer, who shall refuse, or be unable to produce his license, on the demand of any Abkaree Officer, shall be liable to a fine, not exceeding two hundred Rupees.

XIX. Any Abkaree Officer may stop and detain any person carrying any Spirituous or Fermented Liquors, or intoxicating drugs, without a pass, or otherwise liable to confiscation under this Act, and may seize the liquors or drugs, with the vessels, packages and coverings in which the liquors or drugs are found, and the animals and conveyances used in carrying them.

XX. If the Collector has good reason to believe, either from information given by any Abkaree Officer or other person, to be taken down in writing, or from his own knowledge, or from the proceedings in any other case, that any Spirituous or Fermented Liquors, or intoxicating drugs, liable to confiscation under this Act, are kept or concealed in any place, the Collector, by warrant under his hand, may empower any Abkaree Officer, above the rank of Jemadar of Peons, between sunrise and sunset, but always in the presence of a Constable or other Officer of the Peace, to enter into every such place, where any such liquors or drugs are suspected to be kept or concealed, and to seize and carry away such liquors or drugs; and, in case of resistance, to break open any door, and to force and remove any other obstacle to such entry, search, seizure or removal, as aforesaid; and to arrest and detain the owner or occupier of the premises, with all parties whom he suspects to be concerned in the unlawful keeping or concealing of such liquors, or drugs, whom he shall find on the premises. Provided, that where there is ground to suspect that such liquors or drugs are unlawfully concealed in any zenana,

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the Officer, charged with the execution of the warrant, shall follow, as closely as may be, the rules for the seizure of property so concealed, adopted by the Supreme Court of Judicature at Fort William.

XXI. All Constables, and other Ministerial Officers of the Peace are required to help the Abkaree Officers in the due execution of this Act upon notice given, or request made by any such Abkaree Officer: and any Officer, who, without lawful excuse, shall refuse or neglect to assist as aforesaid, on being required to do so, shall be liable to the penalty prescribed by Section XXVII. of this Act, for Abkaree Officers conniving at the escape of a person arrested under this Act.

XXII. Whenever any Abkaree Officer, duly authorized under this Act, shall arrest any person, or shall seize any Spirituous or Fermented Liquors, or intoxicating drugs, or shall enter any house or shop for the purpose of searching for such illicit Articles, he shall carry the person arrested, with the illicit Articles, seized, with all convenient despatch, to the Collector, and shall, within twenty-four hours thereafter, make a full report to the Collector of all the particulars of such arrest, seizure, or search. And the Collector, after such further enquiry as he deems necessary, shall forthwith either release the person arrested, or send him in custody to a Justice of the Peace for the Town of Calcutta.

XXIII. Every person, who shall maliciously give false information against any person for being engaged in the unlicensed sale of Spirituous or Fermented Liquors, or intoxicating drugs, or for having in his possession, or carrying, or in respect of there being in any house or shop any Spirituous or Fermented Liquors, or intoxicating drugs, in contravention of this Act, shall be liable to a fine, not exceeding five hundred Rupees, or to imprisonment in the Common Jail, for a period not exceeding six months, or to both.

XXIV. Every

XXIV. Every person, who shall obstruct or molest any Abkaree Officer, or any person acting in aid of such Officer, in the due execution of this Act, shall be liable to a fine, not exceeding five hundred Rupees; and such person shall be further liable, if an affray or breach of the peace shall happen in consequence of his resistance, on conviction of the same before a competent tribunal, to such punishment as is prescribed by law for cases of affray and breach of the peace, in addition to the penalty above prescribed for resistance of process.

XXV. Any Abkaree Officer, who shall delay carrying to the Collector any person arrested or any illicit articles seized under this Act, or who shall neglect to report the particulars of an arrest, seizure or search, within twenty-four hours thereafter, shall be liable to a fine, not exceeding two hundred Rupees.

XXVI. Any Abkaree Officer, who shall vexatiously and unnecessarily seize the goods or chattels of any person, on the pretence of seizing or searching for illicit Spirituous or Fermented Liquors, or intoxicating drugs, or who shall vexatiously and unnecessarily arrest any person, or commit any other excess, not required for the execution of his duty, shall be liable to a fine, not exceeding five hundred Rupees.

XXVII. Any Officer, employed in the Abkaree Department, who shall unlawfully release or connive at the escape of any person arrested under this Act, or connive at the sale of Spirituous or Fermented Liquors, or intoxicating drugs, without license, or by any licensed Dealer, contrary to the terms of such license, or act in a manner inconsistent with his duty for the purpose of enabling any person to do any thing, whereby any of the provisions of this Act may be evaded or broken, or the Abkaree Revenue defrauded, shall be liable to a fine, not exceeding five hundred Rupees.

XXVIII. Any

XXVIII. Any Abkaree Officer, who shall ask or take any gratuity, not authorized by any Law or Order of Government, or of the Board of Customs, Salt and Opium, in consideration of doing, or of omitting to do any act in his official capacity, and any person, who shall offer a bribe to any such Officer, in order to induce such Officer to act in a manner inconsistent with his duty, shall be liable, for every such offence, to a fine, not exceeding five hundred Rupees.

XXIX. Whenever any goods or chattels shall be seized by an Abkaree Officer, as liable to confiscation under this Act, such seizure shall, upon information, exhibited by order of the Collector, be heard and determined in a summary way, by any Justice of the Peace for the Town of Calcutta; and such Justice shall cause the persons to whom such goods and chattels belong, to be summoned to appear before him, and upon their appearance or default shall examine into the cause of the seizure thereof, and give judgment; and if such judgment shall be for confiscation of the goods or chattels seized, shall issue his warrant to the Collector for the sale or disposal thereof, according to such orders as the Collector may receive from the Board of Customs, Salt and Opium.

XXX. Whenever any goods or chattels shall be seized as aforesaid, and within one Calendar month, no person shall appear before the Collector to claim the same, the Justice shall examine into the cause of the seizure, at a place and time of which notice shall have been given by the Collector in the *Calcutta Gazette*, and give judgment for the confiscation of such of the goods and chattels, as, upon such examination, shall appear to him liable to forfeiture; and, upon confiscation thereof, shall issue his warrnt for the disposal of them, as if the owner had been summoned to attend the said Justice.

XXXI. All fines leviable under this Act, except under Section XXXVIII., shall be adjudged by any Justice of the Peace, for the Town

Town of Calcutta, and the said Justice, upon information exhibited before him by order of the Collector, shall, forthwith, summon the parties accused, and upon their appearance or default, shall examine into the matter, and upon due proof made thereof, by the voluntary confession of the parties, or by the oath or solemn affirmation, in cases wherein a solemn affirmation is receivable by law instead of an oath, of one or more credible witnesses, shall give judgment accordingly; and, in default of payment of any fine to which an offender is adjudged, he shall be liable, by order of the said Justice, to imprisonment in the Common Jail, for a period not exceeding six months, or until the fine is sooner paid: and no proceedings shall be taken under this Section by any Justice of the Peace after the expiration of three Calendar months from the date of the offence by which the fine was incurred.

XXXII. Whenever any person shall be convicted before any such Justice as aforesaid of an offence against this Act, after having been previously convicted of a like offence, he shall be liable, in addition to the penalty attached to such offence, to imprisonment in the Common Jail, for a period not exceeding six months; and a like punishment of imprisonment, not exceeding six months, shall be incurred, in addition to the punishment, which may be inflicted for a first offence, upon every subsequent conviction after the second.

XXXIII. One-half of all fines levied from persons convicted of the illicit possession, carrying, or sale of Spirituous or Fermented Liquors, or intoxicating drugs, and of the proceeds from sale of articles confiscated, except Opium, and in the case of Opium confiscated, and declared by the Opium Examiner at the Presidency to be fit for use, a reward of One Rupee Eight Annas for each seer, shall, upon adjudication of the case, be awarded to the Officer or Officers who apprehended the offender, or seized the illicit articles; and the other half, or in the case of Opium as aforesaid, a reward of One Rupee Eight Annas for each seer shall be

given

given to the Informer; and, if no fine is realized, the Board of Customs, Salt and Opium may grant such reasonable reward, not exceeding the sum of two hundred Rupees as may appear to them fit; and the Board of Customs, Salt and Opium may direct, by General Order, what class of Abkaree Officers shall receive rewards, and what classes shall have no title to share therein.

XXXIV. All fines levied under this Act, the disposal of which is not specially provided for, shall belong to Government; but the Board of Customs, Salt and Opium may grant any portion thereof, not exceeding one-half, as rewards to Informers, or as compensation to parties injured by any proceedings under this Act.

XXXV. No Writ of *Certiorari* shall be issued at the suit of any party out of the Supreme Court of Judicature, to supersede, stay, remove or in anywise affect any information or judicial proceeding before any Justice of the Peace, in pursuance of this Act; and no judgment thereupon shall be quashed, except for error of law apparent on the face of the judgment.

XXXVI. When any penalty or confiscation shall be adjudged by a Justice of the Peace under this Act, the Commissioner of Abkaree, and, in his absence, the Board of Customs, Salt and Opium, within one month after judgment given, may call for the proceedings of the case (with which requisition the Justice of the Peace shall be bound to comply) and, if he or they shall see cause, may direct that the seizure, or any part thereof, be restored, and may remit or mitigate any penalty, and discharge the party.

XXXVII. All actions and prosecutions to be commenced against the Collector or any Abkaree Officer, or any person acting in aid of any such Officer, for any thing done in pursuance of this Act, shall be commenced

menced within three Calendar months after the fact committed, and not afterwards; and notice in writing of such action and of the cause thereof shall be given to the Defendant one Calendar month at least before the commencement of the action; and no Plaintiff shall recover in any such action, if tender of sufficient amends shall have been made before such action brought, or if after action brought, a sufficient sum of money shall have been paid into Court, with costs, by or on behalf of the Defendant.

XXXVIII. The Collector, in respect of the duties to be performed by him, under this Act, shall have power to punish any contempt committed in his presence in open Cutcherry by fine, not exceeding two hundred Rupees, commutable, if not paid, to imprisonment in the Common Jail, for a period not exceeding one month: provided, that an appeal, from any order passed under this section, shall lie to the Commissioner of Abkaree, and, in his absence, to the Board of Customs, Salt and Opium; and the decision of the Commissioner or Board thereon shall be final.

Calcutta, 1849:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XII. OF 1849.

Passed by the Hon'ble the President in Council of India in Council, on the 11th August 1849, with the assent of the Most Noble the Governor General of India.

For improving the jurisdiction of the Sudder Adawlut of Bombay, and for amending Section XXXVI., Regulation II. 1827, of the Bombay Code.

WHEREAS the jurisdiction of the Sudder Adawlut of the Presidency of Bombay has been impaired by its removal to the Island of Bombay, within the jurisdiction of the Supreme Court of Judicature there, for remedy thereof, It is enacted as follows:

I. The Sudder Adawlut of the Presidency of Bombay, and the several Officers thereof shall have the same authority in all respects, and all persons may be proceeded against and punished for contempt or disobedience of the lawful orders of the Court, or for resistance to the lawful authority of any Officer in execution of any process or order of the Court, as if the Court were held in the Zillah nearest to the Island of Bombay.

II. The Acts and Orders of the said Sudder Adawlut, and of its Officers, in execution of any process or order of the Court, shall not be liable

liable to question in the Supreme Court of Judicature at Bombay, further or otherwise than they might severally be questioned in the said Supreme Court, if the said Sudder Adawlut were held in the Zillah nearest to the Island of Bombay.

III. Any Criminal Court having cognizance of any offence under Section XXXVI., Regulation II. 1827, of the Bombay Code, may issue a warrant under the hand of the Judge, or one of the Judges, and the seal of the Court, for the arrest of the person accused; and may commit him to gaol unless security be given to the satisfaction of the Court for his appearance to answer the charge.

IV. Offenders against Section XXXVI., Regulation II. 1827, of the Bombay Code, may be tried and punished for the offence, after they have ceased to belong to the establishment of the Court to which they belong at the time of committing the offence.

Calcutta, 1849 :—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XIII. OF 1849.

Passed by the Hon'ble the President of the Council of India in Council, on the 18th of August 1849, with the assent of the Most Noble the Governor General of India.

To prevent the Smuggling of Salt into Calcutta.

FOR preventing the smuggling of Salt into Calcutta, It is enacted as follows:

I. The Governor of Bengal may establish as many Chokies as he shall deem necessary for preventing the smuggling of alimentary salt into the Town of Calcutta, and upon that part of the River Hooghly, which lies within the local Jurisdiction of the Supreme Court, and such Chokies shall be under the charge of an Officer to be styled "The Superintendent of Salt Chokies," who, in the exercise of his functions, shall be subject to the control of the Board of Customs, Salt and Opium.

II. The Superintendent may appoint Darogahs, Mohurrers, Jemadars, Burkundauzes, and other Officers to assist him in the discharge of his duties; and the Officers so appointed, beside their ordinary respective designations, shall be styled "Officers of Salt Chokies."

III. Excepting

III. Excepting salt imported by sea, and stored under bond, as provided by Act No. 'XXV. 1836, it shall not be lawful to import alimentary Salt into the Town of Calcutta, or to carry such Salt within the said Town, or upon the River Hooghly, as aforesaid, in excess of the quantity of ten seers of eighty tolahs to the seer, or to store such Salt within the said Town in quantities exceeding one maund, except under a Rowannah, or Special pass, from the Board of Customs, Salt and Opium, or a Charchittee, or Pass from the said Superintendent, to be granted under such rules, and on the payment of such fees, as the said Board shall direct.

IV. All alimentary Salt, found within the said Town, or upon the River Hooghly, as aforesaid, in contravention of this Act, shall be deemed contraband and liable to seizure and confiscation; and if several persons shall be found carrying Salt, unprotected by a Rowannah, or Charchittee, as aforesaid, in gangs, or companies, which Salt shall exceed in the whole quantity ten seers, such Salt shall be deemed contraband; but no Salt, found in store in any house or warehouse, shall be deemed to be contraband, unless, when the search is made, there shall be found more thereof than one maund, and the owner or person in charge shall be unable to account, satisfactorily, for the manner of its being found in his possession.

V. If any person shall carry, or attempt to carry, within the said Town, or upon the River Hooghly, as aforesaid, under a Rowannah, or Charchittee, a greater quantity of salt than shall be therein specified, the excess shall be deemed contraband, and if such excess is found to be more than one-fortieth part of the quantity so specified, the whole quantity shall be deemed contraband, and liable to seizure and confiscation; and the gomastah, or other person in charge of the Salt shall be liable to a fine of ten Rupees for every maund of Salt in excess of the quantity specified in the said document: and the excess shall be calculated

lated upon the whole despatch as provided in Section II., Regulation IV. 1832, of the Bengal Code.

VI. The provisions contained in Sections XXXVI. to XLVII., both inclusive, Regulation X. 1819, and in Regulation IV. 1832, of the Bengal Code, as to the preparation, currency, renewal, production, endorsement, delivering up and falsifying of Rowannahs, or other protective documents, shall be applicable within Calcutta, and on the River Hooghly as aforesaid.

VII. Whenever any Salt shall be seized as contraband, the vessels, packages and coverings, in which such Salt shall be found, and the animals and conveyances used in carrying it, shall also be liable to seizure and confiscation.

VIII. All persons in whose possession Contraband Salt shall be found, except in the case provided for by Section V. of this Act, shall be liable to a fine, calculated at a rate, not exceeding five Rupees for each maund, upon the quantity so found; and each one of a party of smugglers, or of the parties to the fraud on the Revenue, shall be liable to the whole fine.

IX. The Superintendent of Salt Chokies, and any of his Subordinate Officers, and any Officer of any other Department, whom the Governor of Bengal shall authorize in that behalf, may stop and detain any person removing, or carrying any Salt, without a Rowannah or Charchittee, or otherwise liable to confiscation under this Act; and may seize the Salt, with the vessels, packages and coverings, in which the Salt is found, and the animals and conveyances used in carrying it.

X. If the Superintendent has good reason to believe, either from information given by any of his Subordinate Officers or other person, to be

be taken down in writing, or from his own knowledge, or from the proceedings in any other case, that Contraband Salt, exceeding in quantity one maund, is stored in any place, it shall be lawful for him, between sunrise and sunset, but always in the presence of a Constable, or other Officer of the Peace, to enter into every such place where any such Contraband Salt as aforesaid, is suspected to be stored, and to seize and carry away the same; and, in case of resistance, to break open any door, and to force and remove any other obstacle to such entry, search, seizure or removal as aforesaid; and to arrest and detain the owner or occupant of the premises, with all parties whom he suspects to be concerned in the unlawful storing whom he shall find on the premises: and if the Superintendent shall not be able to proceed in person to make the seizure he may, by warrant under his hand, empower any Officer of Salt Chokies, above the rank of a Jemadar of Peons, to make the same; and the Officer so authorized shall proceed in the same manner, and with the same powers, as above provided in respect of the Superintendent himself. Provided that, where there is ground to suspect that such Contraband Salt as aforesaid is concealed in any zenana, the Superintendent or Officer authorized as aforesaid, shall follow, as closely as may be the rules for the seizure of property so concealed, adopted by the Supreme Court of Judicature at Fort William.

XI. All Constables, and other Ministerial Officers of the Peace, are required to help the Superintendent and his Subordinate Officers, and other Officers authorized to make a seizure of Salt, in the due execution of this Act, upon notice given or request made by the Superintendent, or any such Officer. Any Officer, who, without lawful excuse, shall refuse or neglect to help as aforesaid, on being required to do so, shall be liable to a fine, not exceeding five hundred Rupees.

XII. Whenever a seizure of Salt in store, in any place, shall be made by the Superintendent, the facts of the seizure shall be recorded

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in an Official proceeding to be placed on record in his Office; and if the seizure shall be made by a Subordinate Officer, such Officer shall report the circumstances, within twenty-four hours, to the Superintendent.

XIII. Every person, who shall maliciously give false information against any person for importing or transporting, or in respect of there being in any house or shop any Salt, in contravention of this Act, shall be liable to a fine, not exceeding five hundred Rupees, or to imprisonment in the Common Jail for a period, not exceeding six months, or both.

XIV. Every person, who shall obstruct or molest the Superintendent, or any Officer of Salt Chokies, or any Officer of another Department duly authorized to make a seizure of Salt, or any person acting in aid of the Superintendent, or any Officer, as aforesaid, in the due execution of this Act, shall be liable to a fine, not exceeding five hundred Rupees: and such person shall be further liable, if an affray or breach of the peace shall happen in consequence of his resistance, on conviction of the same before a competent tribunal, to such punishment as is prescribed by law for cases of affray and breach of the peace, in addition to the penalty above prescribed for resistance of process.

XV. Any Officer of Salt Chokies, or any Officer of another Department, duly empowered to make a seizure of Salt, who, without reasonable cause, shall delay carrying any person arrested, or any illicit articles seized, under this Act, to the Superintendent, or neglect to report the particulars of an arrest, seizure or search, within twenty-four hours thereafter, shall be liable to a fine, not exceeding two hundred Rupees.

XVI. Any Officer of Salt Chokies, or any Officer of another Department, as aforesaid, who shall vexatiously and unnecessarily seize the goods or chattels of any person, on the pretence of seizing or searching for

for Contraband Salt, or who shall vexatiously or unnecessarily arrest any person, or commit any other excess, not required for the execution of his duty, shall be liable to a fine, not exceeding five hundred Rupees.

XVII. Any Officer employed in the Salt Chokie Department, or any Officer of another Department, as aforesaid, who shall connive at the smuggling of Salt, or unlawfully release or connive at the escape of any person arrested under this Act, or act in a manner inconsistent with his duty, for the purpose of enabling any person to do any thing, whereby any of the provisions of this Act may be evaded or broken, or the revenue derived from Salt defrauded, shall be liable to a fine, not exceeding five hundred Rupees.

XVIII. Any Officer employed in the Department of Salt Chokies, or any Officer of another Department, as aforesaid, who shall ask or take any gratuity, not authorized by any law, or order of Government, or of the Board of Customs, Salt and Opium, in consideration of doing or of omitting to do any act in his official capacity, and any person, who shall offer a bribe to any such Officer, in order to induce such Officer to act in a manner inconsistent with his duty, shall be liable, for every such offence, to a fine, not exceeding five hundred Rupees.

XIX. Whenever the Superintendent shall arrest any person, or shall seize any Contraband Salt, he shall, with all convenient despatch, carry the person arrested, with the Salt, and any other chattels liable to confiscation, seized therewith, before any Justice of the Peace for the Town of Calcutta, and if the arrest or seizure shall be made by any of his Subordinate Officers, or other Officer duly empowered, such Officer shall immediately carry the person arrested, and the articles seized, to the Superintendent, who shall thereupon proceed as if the arrest, or seizure had been made by himself. Provided, that nothing in this section shall be construed to prevent the Superintendent from releasing any persons arrested,

arrested, or property seized, when he considers such persons or property to have been improperly arrested or seized.

XX. Whenever any Salt, or other chattels shall be seized by the Superintendent, or other duly authorized Officer, as liable to confiscation under this Act, such seizure shall, upon information exhibited by the Superintendent, be heard and determined in a summary way by such Justice of the Peace as aforesaid; and such Justice shall cause the persons, to whom such Salt, or other chattels belong, to be summoned to appear before him, and, upon their appearance or default, shall examine into the cause of the seizure thereof, and give judgment; and upon confiscation thereof shall issue his Warrant to the Superintendent for the disposal thereof, according to the orders of the Board of Customs, Salt and Opium.

XXI. Whenever any Salt, or other chattels shall be seized, as aforesaid, and no person shall appear before the Superintendent, within one calendar month, to claim the same, the Justice shall examine into the cause of the seizure, at a place and time of which notice shall have been given by the Superintendent in the *Calcutta Gazette*, and give judgment for the confiscation of such Salt and other chattels, as, upon such examination, shall appear to him confiscable; and, upon confiscation thereof shall issue his Warrant for the disposal of them, as if the owner had been summoned to attend the said Justice.

XXII. All fines, leviable under this Act, shall be adjudged by any Justice of the Peace for the Town of Calcutta, and the said Justice, upon information exhibited before him by the Superintendent, shall, with all convenient despatch, and not later than three calendar months after the act for which the fine may be demandable, summon the parties accused, and, upon their appearance or default, shall examine into the matter, and upon due proof made thereof, by the voluntary confession of the parties,

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or by the oath or solemn affirmation, in cases wherein a solemn affirmation is receivable by law instead of an oath, of one or more credible witnesses, shall give judgment accordingly; and, in default of payment of any fine to which an offender is adjudged, he shall be liable, by order of the said Justice, to imprisonment in the Common Jail of Calcutta for a period not exceeding six months, or until the fine is sooner paid.

XXIII. Whenever any person shall be convicted before any Justice, of an offence against this Act, after having been previously convicted of a like offence, he shall be liable, in addition to the penalty attached to such offence, to imprisonment in the Common Jail, for a period not exceeding six months; and a like punishment of imprisonment, not exceeding six months, shall be incurred, in addition to the punishment, which may be inflicted for a first offence, upon every subsequent conviction after the second.

XXIV. One-half of all fines levied from persons convicted of the illicit importation, transportation or storing of Salt, and of the proceeds from sale of articles confiscated, shall, upon adjudication of the case, be awarded to the Officer, or Officers Subordinate to the Superintendent, or other duly authorized Officer of another Department, who apprehended the offender or seized the illicit articles; and the other half of all such fines and proceeds shall be given to the Informer; and if no fine is realized, the Board of Customs, Salt and Opium may grant such reasonable reward, not exceeding the sum of two hundred Rupees, as may appear to them fit; and such Officers and Informers shall further be entitled to the rewards specified in Section IV., Act No. IX. of 1835. Provided, that the Board of Customs, Salt and Opium may direct, by General Order, what classes of Officers of Salt Chokies shall receive rewards, and what classes shall have no title to share in them.

XXV. All

XXV. All fines, levied under this Act, the disposal of which is not specially provided for, shall belong to Government; but the Board of Customs, Salt and Opium may grant any portion thereof, not exceeding one-half, as rewards to Informers, or as compensation to parties injured by any proceedings under this Act.

XXVI. No Writ of *Certiorari* shall be issued at the suit of any party, out of the Supreme Court of Judicature, to supersede, stay, remove or in any wise affect any information, or judicial proceeding before any Justice of the Peace, in pursuance of this Act; and no judgment thereupon shall be quashed, except for error of law apparent on the face of the judgment.

XXVII. When any penalty or confiscation shall be adjudged by a Justice of the Peace under this Act, the Board of Customs, Salt and Opium, within one month after judgment given, may call for the proceedings of the case, (with which requisition the Justice of the Peace shall be bound to comply) and, if they shall see cause, may direct that the seizure, or any part thereof be restored, and remit, or mitigate the penalty and discharge the party.

XXVIII. All actions and prosecutions to be commenced against the Superintendent, or any Officer of Salt Chokies, or any Officer of another Department duly empowered to seize Contraband Salt, or any person acting in aid of the Superintendent, or other Officer, as aforesaid, for any thing done in pursuance of this Act, shall be commenced within three calendar months after the fact committed, and not afterwards; and notice in writing of such action, and of the cause thereof, shall be given to the Defendant, one calendar month at least before the commencement of the action; and no Plaintiff shall recover, in any such action, if tender of sufficient amends shall have been made before such action brought,

brought, or if after action brought a sufficient sum of money shall have been paid into Court, with costs, by or on behalf of the Defendant.

XXIX. The term alimentary Salt as used in this Act shall be held to include and apply to Noonchye, Puckwah, and every other kind of salt substance, used as a seasoning for food.

Calcutta, 1849 :—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.

ACT No. XIV. OF 1849.

Passed by the Hon'ble the President of the Council of India in Council, on the 25th August 1849, with the assent of the Most Noble the Governor General of India.

To punish tampering with the Army or Navy.

WHEREAS the laws in force for punishing mutiny and sedition do not sufficiently provide for the punishment of all persons endeavouring to stir up mutiny and sedition among the Forces of the East India Company, or to seduce them from their allegiance and duty, It is enacted as follows:

I. Every person, who maliciously and advisedly endeavours to seduce any person or persons, serving or engaged to serve in the Military or Naval Forces of the East India Company, from his or their allegiance to her Majesty, or duty to the said Company, or who endeavours to stir up any person or persons belonging to either of the said Services, to commit any act of mutiny, or to make or endeavour to make any mutinous assembly, or to commit any traitorous or mutinous practice whatsoever, shall, on conviction, suffer transportation

portation for life, or imprisonment, with or without hard labour, for any term not longer than seven years, as the Court shall adjudge.

II. Any person charged with any offence, punishable under this Act, may be committed by any Magistrate within the territories under the Government of the East India Company, and shall be tried by the Court of Sessions, or if the offender be not within the ordinary jurisdiction of the Court of Sessions, by the Supreme Court of Judicature established by Royal Charter within the Presidency in which he is in custody.

III. No Court shall on the trial of any offence under this Act require any Futwa from any Law Officer.

IV. This Act shall not exempt any person governed by the Articles of War from being tried by a Court Martial, and punished according to the Articles of War, nor any person belonging to the Indian Navy from being tried by a Court Martial, and punished according to the laws for the observance of discipline in the Indian Navy; but no person shall be tried for the same offence under the said Articles or Laws, and also under this Act.

Calcutta, 1849 :—Printed at the Bengal Military Orphan Press, by J. C. Sherriff

ACT No. XV. OF 1849.

Passed by the Hon'ble the President of the Council of India in Council, on the 26th October 1849, with the assent of the Most Noble the Governor General of India.

An Act to amend the Law respecting the Stamped Material in use in the Presidency of Bombay.

WHEREAS it is inconvenient to specify particularly by law the stamped materials to be used in the Presidency of Bombay, It is enacted as follows:

I. Clause 1st, Section VI., Regulation XVIII., 1827, of the Bombay Code, is repealed.

Calcutta:—Printed at the Bengal Military Orphan Press, by J. C. Sherriff.